

1 when you say that you saw [REDACTED] uh, uh... was [REDACTED]
2 shooting indiscriminately, or was [REDACTED] shooting
3 towards people?

4 INSPECTOR NEWMAN: To me it looked as if it
5 was indiscriminately. [REDACTED] just appeared to be firing
6 the gun just randomly at opposing people facing

7 [REDACTED]

8 INSPECTOR ENGLER: Okay. Okay. So [REDACTED] wasn't
9 like firing at like a wall or at the ground. I
10 mean, when you said "indiscriminate," [REDACTED] shooting
11 at people...

12 INSPECTOR NEWMAN: No. I saw the handgun move
13 as if it was directed at separate people.

14 INSPECTOR ENGLER: Okay. All right, just to
15 clarify that. So at the time you are making these
16 observations, are you still in the car or are you
17 on foot?

18 INSPECTOR NEWMAN: I'm in the car. There's
19 like a bus top area...

20 INSPECTOR ENGLER: Mm-hmm.

21 INSPECTOR NEWMAN: There weren't any vehicles...
22 we were in the number... in the slower lane because
23 we'd just turned on... and I think Columbus there's
24 two lanes each direction, so we were in the number
25 two lane, would be the slow lane on Columbus.

1 INSPECTOR ENGLER: Right.

2 INSPECTOR NEWMAN: So I was right next to the
3 bus stop...

4 INSPECTOR ENGLER: Mm-hmm.

5 INSPECTOR NEWMAN: Window down. The individual
6 of the groups, the two groups, or the victim and
7 the shooter's were on the sidewalk probably, maybe...
8 what is that... maybe 15 feet away from me, 20 feet
9 away roughly give or take. So I'm... as Jon kept
10 driving, I'm paralleling the shooter, and I knew I
11 could not draw my firearm to stop [REDACTED] from hurting,
12 harming, or potentially killing other people
13 because I didn't have... I could not just shoot at
14 [REDACTED] directly. I didn't have a safe opportunity to
15 one ID myself, or to take a shot at [REDACTED] because of
16 the environment for a large group. So, as Jon kept
17 driving, the individual with the handgun... [REDACTED]
18 actually didn't run fast initially. There were
19 other people that appeared to be running the same
20 direction with [REDACTED] a little bit ahead of [REDACTED] And
21 they went up to the area of... right where the crest
22 turn is off of uh, onto uh, upper Grant, on Grant
23 Street there, off of Columbus.

24 INSPECTOR ENGLER: Okay, so there's... there's a
25 lot of alleys and little offshoots...

1 INSPECTOR NEWMAN: Yeah.

2 INSPECTOR ENGLER: Off of that Grant St...Grant
3 Avenue.

4 INSPECTOR NEWMAN: Mm-hmm.

5 INSPECTOR ENGLER: What... how many streets did
6 ■ get to? Or... there's one when you first turn the
7 corner, that's Fresno.

8 INSPECTOR NEWMAN: That's... ■ didn't get as
9 high as there.

10 INSPECTOR ENGLER: Okay.

11 INSPECTOR NEWMAN: ■ did not get... this is the
12 individual that I saw, that I believed to be
13 shooting up the group, when I saw numerous people
14 drop.

15 INSPECTOR ENGLER: Okay.

16 INSPECTOR NEWMAN: Okay?

17 INSPECTOR ENGLER: Okay.

18 INSPECTOR NEWMAN: So, I kept my eye on that
19 person, because they were starting... the group
20 started to flee going up Columbus, turning right...
21 to go on upper Grant.

22 INSPECTOR ENGLER: Okay.

23 INSPECTOR NEWMAN: Okay? So I felt that I
24 couldn't expose myself. I could... I did... I wasn't in
25 a, a safety... a position of advantage. So when Jon

1 Kasper stopped the car, you know, the person I was
2 watching with the handgun that just shot these
3 people... I knew I had to stop [REDACTED] Uh, [REDACTED] was... to
4 me... you know, I didn't know if [REDACTED] killed people
5 back there, I didn't know if this was homicide
6 committed in my presence. I saw the handgun
7 [unintelligible]. I saw people fall. So I knew that
8 [REDACTED] had total disregard for human life, and I had to
9 apprehend this person, but in a safe, prudent
10 manner. So, what I did is I, I kind of picked a
11 spot before I could ID myself, and I got out of the
12 car with my shirt... with my police star in front of
13 my handgun. I saw a building that was closed,
14 lights off. It looked like the business was closed
15 up for the night. It had a green lower, maybe three
16 feet, four feet area brick... green brick. And then
17 there was glass up in it. And uh, at that time, the
18 person that I saw with the handgun... [REDACTED] kind of
19 sagged [REDACTED] way up... not full sprint, just kind of...
20 just getting ready to meet up with people that were
21 in front of [REDACTED] Okay? And the other two people
22 were wearing like dark clothing, all blue, black
23 clothing. The person with the handgun, I saw [REDACTED] on
24 building-line side, okay. Um, simultaneously
25 getting out of the car, I tried to use the um, I

1 kind of wanted to use slice the pie. It's a
2 technique that I'd learning during my career as a
3 police officer. Where the building line kind of
4 switched and went up to Grant Street from Columbus.
5 I wanted to use that to give me a little bit of
6 cover as I gained ground on [REDACTED] Seeing that this
7 building was closed where [REDACTED] was in front of, and
8 there was no people, it had a safe backrest. I drew
9 my gun. I ordered the person to... I said "Police,
10 drop the fucking gun," something to that effect. I
11 was, you know, a little excited, just saw this
12 potential homicide in my presence. At that time,
13 the person in the red hat that I saw leave to... done
14 the shooting... [REDACTED] turned... [REDACTED] met up with another [REDACTED]
15 and they were kind of offset. The person was maybe
16 two feet in front of [REDACTED]... not two feet, maybe uh, a
17 little offset. They weren't shoulder-to-shoulder.
18 One person was just maybe like a half-step up in
19 front of [REDACTED]. And they were getting close, and
20 that's when I said, "Police, drop the fucking gun."
21 And the [REDACTED] turned with the gun in [REDACTED] right hand
22 in the direction of myself. And that's when I felt,
23 you know, my safety was in jeopardy. I'm not
24 knowing where my partner was in the car... if he was
25 or wasn't in the car. Um, you know I could see that

1 the business was closed, there was nobody in the
2 business. Um, you know, the person presented to me
3 a threat. I was in fear of my life and my safety,
4 and the safety of citizens behind me. This area on
5 Broadway, Columbus and Grant is extremely packed
6 this night... at this time. You know, I felt the
7 threat, and I fired one round from my Department-
8 issue firearm.

9 INSPECTOR ENGLER: Okay. And when you fired
10 that one round, about how far away were you from
11 the subject?

12 INSPECTOR NEWMAN: Maybe... I'd like to say
13 maybe between 10 and 15 feet.

14 INSPECTOR ENGLER: Okay. And, at this time you
15 exited the car, you took up a position of advantage
16 as you described it...

17 INSPECTOR NEWMAN: Yes. I was in the street
18 behind two parked cars. And, you know, the way the
19 cars were angled, one was like the first one going
20 up Grant Street, and the other one was kind of, uh,
21 uh, still kind of facing... would be northbound on
22 Columbus...

23 INSPECTOR ENGLER: Mm-hmm.

24 INSPECTOR NEWMAN: ...So it's kind of like, you
25 know, L-shaped...

1 INSPECTOR ENGLER: Mm-hmm.

2 INSPECTOR NEWMAN: ...The two vehicles. So I
3 somewhat got myself between the two cars, just to
4 afford myself a little bit of protection, cover,
5 concealment, however you want to look at it, as I
6 tried to order this person to drop the gun.

7 INSPECTOR ENGLER: When you ordered the person
8 to drop the gun, and...did they reply back?

9 INSPECTOR NEWMAN: Um, at that time, Joe,
10 things happened so fast, the other person next to
11 'em... my main thing was more people running up,
12 people running everywhere. I did not want to lose
13 sight of that one individual, so I focused
14 extremely on that one [REDACTED] Um...

15 INSPECTOR ENGLER: Can we do this while we're
16 there right now?

17 INSPECTOR NEWMAN: Yeah.

18 INSPECTOR ENGLER: Can you describe [REDACTED] from
19 head to toe?

20 INSPECTOR NEWMAN: I think [REDACTED] had like some
21 sort of red hat on. Um, sweatshirt, blue jeans or
22 black pants.

23 INSPECTOR ENGLER: Let's start back with the
24 red hat. Was there anything distinguishable about
25 the red hat that...

1 INSPECTOR NEWMAN: Yeah, I want to say [REDACTED] had
2 some sort of like a, uh, do-rag-type thing under it
3 if I'm not mistaken. You know, I don't recall
4 exactly.

5 INSPECTOR ENGLER: Okay. How about [REDACTED] face?
6 Do you remember anything about [REDACTED] face?

7 INSPECTOR NEWMAN: [REDACTED] face was [REDACTED] kind of
8 [REDACTED]
9 [REDACTED].

10 INSPECTOR ENGLER: Okay. Did [REDACTED] have any
11 [REDACTED] or anything remarkable...

12 INSPECTOR NEWMAN: [REDACTED].

13 INSPECTOR ENGLER: ...Earrings, or...

14 INSPECTOR NEWMAN: No, I don't, I don't
15 remember that. You know, Joe, things were
16 happening...

17 INSPECTOR ENGLER: MM-hmm.

18 INSPECTOR NEWMAN: I remember uh...

19 INSPECTOR ENGLER: That's okay. We just moved,
20 we just moved from head to toe. We'll just go
21 through it or whatever you remember.

22 INSPECTOR NEWMAN: I just remember the... I just
23 remember the hat, and some sort of thing under the
24 hat possibly.

25 INSPECTOR ENGLER: How about the sweatshirt

1 now.

2 INSPECTOR NEWMAN: I want to say purple,
3 burgundy, I don't recall exactly. You know, because
4 my attention was listening to the radio. I'm trying
5 to put out ordering... I'd said that I had multiple
6 217 victims. I'm trying to render aid. There
7 weren't a lot of officers there at first. I didn't
8 know where my partner was. I saw the other two
9 fleein' to the area of, um, Grant. And they went
10 eastbound on uh, Fresno Alley, right there by the
11 Saloon Bar.

12 INSPECTOR ENGLER: Mm-hmm.

13 INSPECTOR NEWMAN: And uh, an officer did
14 appear. Um, I only know him as Tommy [Nguyen's]
15 brother, Officer [Nguyen].

16 INSPECTOR ENGLER: Okay.

17 INSPECTOR NEWMAN: I, I'm sorry I forget the
18 officer's first name. So Officer [Nguyen] was there
19 and I asked him... I said, "Watch this [REDACTED] That's
20 who I thought was the shooter.

21 INSPECTOR ENGLER: Mm-hmm. And that was the
22 [REDACTED] that you took the sh... discharged your service
23 re...

24 INSPECTOR NEWMAN: Yes, sir. Yes, sir. So
25 Officer [Nguyen]... because I wanted to make sure

1 one; that my partner was okay, they weren't... you
2 know, I didn't know if they were going to continue
3 to run to shoot other people, if there was other
4 victims. But, you know, I had to get out that
5 description of the other two that went down Fresno,
6 which I did. And I believe Jon may have also. The
7 air had gotten a little crazy. You know, at that
8 point, I put that out that two other people...
9 suspects... I forget what the word choice I had put
10 out, were running down Fresno to the area of
11 Romolo. At that point, I went back to the victims,
12 and I confirmed, you know, that we had multiple
13 shooting victims. I got on the air, and uh, you
14 know, confirmed that we had multiple ambulances
15 coming to render aid for these people. Then there
16 was just a bunch of officers and uh, look we had
17 like two separate crime scenes at that time.

18 INSPECTOR ENGLER: Mm-hmm. The first crime
19 scene being...

20 INSPECTOR NEWMAN: The shooting where this
21 person shot multiple people in front of [REDACTED], uh,
22 Broadway.

23 INSPECTOR ENGLER: And...

24 POA ATTORNEY: [REDACTED] Columbus?

25 INSPECTOR NEWMAN: Columbus.

1 INSPECTOR ENGLER: Columbus. And the address
2 that you're talking about, does it stand out in
3 your mind what kind of establishment that is?

4 INSPECTOR NEWMAN: Yeah. Right in front of us...
5 it looked like a strip joint.

6 INSPECTOR ENGLER: Okay.

7 INSPECTOR NEWMAN: Uh, you know, I haven't
8 been in there since I worked Broadway area many
9 years ago.

10 INSPECTOR ENGLER: Okay.

11 INSPECTOR NEWMAN: I don't remember the name.

12 INSPECTOR ENGLER: And then the second crime
13 scene you referred to, would that be the scene
14 where...

15 INSPECTOR NEWMAN: Where I fired my round.

16 INSPECTOR ENGLER: Okay. All right. And so,
17 did you remain with the person... did you remain with
18 the subject you had seen with a gun?

19 INSPECTOR NEWMAN: Yes, I did.

20 INSPECTOR ENGLER: Okay.

21 INSPECTOR NEWMAN: Yes, I did.

22 INSPECTOR ENGLER: After shooting?

23 INSPECTOR NEWMAN: Yes. And I checked to see
24 that, you know, that [REDACTED] wasn't hit. I verified if
25 [REDACTED] needed first aid. I asked... I did somewhat of a

1 quick pat search for addition weapons. And I
2 instructed an unknown officer... I think maybe one or
3 two other officers had showed up at that time to
4 handcuff this [REDACTED]

5 INSPECTOR ENGLER: Okay. And were you there
6 when that individual was handcuffed?

7 INSPECTOR NEWMAN: Uh, I was in the immediate
8 area. I didn't focus just on that. I'm still
9 looking at the block. I'm doing multiple things,
10 you know. And I also have to de-cock my weapon,
11 make sure that was safe, which I did. And I had to
12 holster that in an area where I had a safe
13 backdrop, so I didn't want, you know... I had to make
14 sure my weapon was secure.

15 INSPECTOR ENGLER: Following the detention of
16 the subject, did you have an opportunity, to verify
17 whether or not [REDACTED] did in fact have a gun?

18 INSPECTOR NEWMAN: Well, last time I saw [REDACTED]
19 [REDACTED] had a weapon with the person that was next to
20 [REDACTED] Then I learned shortly after that, that a
21 handgun was found a few feet up the block, at the
22 corner of Fresno and Grant Street.

23 INSPECTOR ENGLER: Okay. Did you see the
24 location where the gun was recovered?

25 INSPECTOR NEWMAN: Yes.

1 INSPECTOR ENGLER: Okay. How close to where
2 you detained that subject was the gun?

3 INSPECTOR NEWMAN: Oh man, that's maybe two
4 businesses?

5 INSPECTOR ENGLER: Okay.

6 INSPECTOR NEWMAN: Two businesses. You know,
7 I'm not too good at judging distance. I'd say maybe
8 uh, 30 feet maybe.

9 INSPECTOR ENGLER: Okay. So thirty feet from
10 where, uh...

11 INSPECTOR NEWMAN: It was kind of uphill.

12 INSPECTOR ENGLER: ...You detained [REDACTED] is where
13 the gun was observed?

14 INSPECTOR NEWMAN: Yes.

15 INSPECTOR ENGLER: Okay. Did you see anybody
16 retrieve that gun, or...

17 INSPECTOR NEWMAN: No. My partner told me he
18 was standing over it. And he directed an officer in
19 uniform, I don't even know who it was, to just
20 watch the gun.

21 INSPECTOR ENGLER: Okay.

22 INSPECTOR NEWMAN: Okay?

23 INSPECTOR ENGLER: Fair enough. So that
24 subject though, who you shot at after observing..
25 that's the same person you observed firing the

1 shots on Columbus Street. Is that correct?

2 INSPECTOR NEWMAN: That's right. Yes, it was.

3 INSPECTOR ENGLER: Okay. The subjects that you
4 said that... you used a funny word earlier, about
5 how... I don't know if it was shuffling, or
6 scuttling. You said [REDACTED] moved... it was a peculiar
7 word you used.

8 INSPECTOR NEWMAN: Yeah.

9 INSPECTOR ENGLER: Did [REDACTED] move in any...

10 INSPECTOR NEWMAN: Well, it wasn't a run, uh
11 Joe. This is the person that I believe I saw
12 shooting, that I focused on. Initially it was like
13 [REDACTED] pulled [REDACTED] pants up. It was like [REDACTED] had trouble
14 running. [REDACTED] was sagging, [REDACTED] pants were lower. They
15 were like black pants and [REDACTED] didn't take off in a
16 full sprint. Now, when I did get up to the area of
17 Grant and Fresno, I was able to see the last two
18 [REDACTED] you know, just coming up to Romolo. That's
19 when I put it out, "Hey, you know, they're running
20 on Fresno and Romolo," and an officer later
21 detained them. So, it was happening... it happened so
22 fast, it happened so fast.

23 INSPECTOR ENGLER: Let's talk about those two
24 subjects that were able to see. How... are you
25 familiar with that area?

1 INSPECTOR NEWMAN: Yes.

2 INSPECTOR ENGLER: Okay. From Grant Street, at
3 the top of Fresno, at the, at the, at the... really
4 the apex of the hill?

5 INSPECTOR NEWMAN: Mm-hmm.

6 INSPECTOR ENGLER: I believe it intersects
7 with Romolo, is that correct?

8 INSPECTOR NEWMAN: Yes, it does Joe.

9 INSPECTOR ENGLER: Okay. From where you were
10 looking, from your vantage point, how close to the
11 top of that hill were they?

12 INSPECTOR NEWMAN: They were pretty... they were
13 fairly close. I'm going off of recall from working
14 the area. I used to walk a foot-beat up in the
15 Broadway area out of Central Station many years
16 back. And I think there's like a parking lot. And
17 then it kind of drops down into Romolo, and it
18 takes you down to Broadway. They were in the area
19 of where that parking lot was... you know, heading up
20 right in that area. And... it's a long, deep street.

21 INSPECTOR ENGLER: Had they made the parking
22 lot yet?

23 INSPECTOR NEWMAN: Just before.

24 INSPECTOR ENGLER: Okay.

25 INSPECTOR NEWMAN: Just before when I first

1 saw them running hard.

2 INSPECTOR ENGLER: Could you describe those
3 two individuals?

4 INSPECTOR NEWMAN: No. All I saw were two [REDACTED]
5 running really... way faster than the [REDACTED] that did
6 the shooting. They were, they were hightailing it.
7 All I saw was dark clothing. I never saw... I never
8 saw them. I saw the back of them moving down that
9 alley fast.

10 INSPECTOR ENGLER: Okay.

11 INSPECTOR NEWMAN: And of them... [REDACTED] clothing
12 was consistent... who was with the person I took a
13 shot at the time [REDACTED] turned and I saw the gun in my
14 direction where I felt the threat. [REDACTED] was, you
15 know, let's say that this building line here... this
16 paper is the building line... this here...

17 INSPECTOR ENGLER: I actually think this is a
18 map.

19 POA ATTORNEY: Yes.

20 INSPECTOR ENGLER: We, we can use this map.
21 If uh and... take a minute to orient yourself with,
22 uh...

23 INSPECTOR NEWMAN: Got it... I got it. So what I
24 was going to say is right about here... this would be
25 [REDACTED] right in... no that's Grant... [REDACTED] is somewhere

1 like right over here. Right? Columbus?

2 INSPECTOR ENGLER: Yeah.

3 INSPECTOR NEWMAN: [REDACTED] Let me put [REDACTED] So
4 then, uh, I last saw the [REDACTED] here's the parking
5 lot... I think the parking lot that I'm referring to
6 right here, okay?

7 INSPECTOR ENGLER: You put an X in the parking
8 lot.

9 INSPECTOR NEWMAN: Yeah.

10 INSPECTOR ENGLER: Okay. And you drew "[REDACTED]" in
11 front of the area where you saw the shootings...

12 INSPECTOR NEWMAN: Right. In the parking lot,
13 yeah. Um, you know, the [REDACTED] were right about...

14 INSPECTOR ENGLER: Why don't you put a number.

15 INSPECTOR NEWMAN: Two?

16 INSPECTOR ENGLER: The number two.

17 INSPECTOR NEWMAN: For the two [REDACTED] That's
18 about the area where I saw them.

19 INSPECTOR ENGLER: Why don't you put the
20 number one where you detained the other subject
21 that you saw with the gun.

22 INSPECTOR NEWMAN: Yeah. That's where...
23 somewhere right in here, give or take.

24 INSPECTOR ENGLER: Okay. And...

25 INSPECTOR NEWMAN: Is that Fresno?

1 INSPECTOR ENGLER: That's Fresno Street.

2 INSPECTOR NEWMAN: No, that ain't right. This
3 is Columbus. This is Grant Avenue right here. I'm
4 sorry man, I didn't read this map too good.

5 INSPECTOR ENGLER: That's fine.

6 INSPECTOR NEWMAN: So right in here.

7 INSPECTOR ENGLER: A number one?

8 INSPECTOR NEWMAN: Yeah.

9 INSPECTOR ENGLER: Okay. Um, could you also
10 put a uh, a number three, if you know... could you
11 put a number three in the location where the gun
12 was found?

13 INSPECTOR NEWMAN: Yeah, I saw. Number three
14 was um... let's see... this is Fresno, this is Grant.
15 It's like right in that area there Joe.

16 INSPECTOR ENGLER: Okay. All right. So what
17 we've done on this map, for the... just to make a
18 nice record is... [REDACTED] is the location where you
19 observed the shooting take place, is that correct?

20 INSPECTOR NEWMAN: The fight, which led to the
21 person drawing fire and shooting into the crowd of
22 people, yes.

23 INSPECTOR ENGLER: Okay. Could you do me one
24 additional favor and show me... you're in the car
25 when you observe this... could you actually draw like

1 a box for a car and then put a diamond where the
2 front side of the car is.

3 INSPECTOR NEWMAN: Okay, well we came off...

4 INSPECTOR ENGLER: When you first heard the
5 shots and made the observations.

6 INSPECTOR NEWMAN: Well, you know, this [REDACTED],
7 Big Al's, okay, that's about right. You know, not
8 to scale.

9 INSPECTOR ENGLER: No.

10 INSPECTOR NEWMAN: No.

11 INSPECTOR ENGLER: This is an estimation just
12 to tell a story.

13 INSPECTOR NEWMAN: Car, right there. Fight,
14 right here.

15 INSPECTOR ENGLER: Okay.

16 INSPECTOR NEWMAN: Okay? And we just kept
17 paralleling the [REDACTED] I got out... I'll just put "got
18 out" right here. I got out of the car right about...
19 got out car.

20 INSPECTOR ENGLER: Okay.

21 INSPECTOR NEWMAN: Here.

22 INSPECTOR ENGLER: Thank you. I think that
23 tells the story. So we've... to make a good record,
24 we've got a map. On this map on Columbus Avenue,
25 we've got a box with a "C" in it to represent a

1 car, and at about the passenger-side window of that
2 car...

3 INSPECTOR NEWMAN: That's where I was at.

4 INSPECTOR ENGLER: ...You drew an "F" to
5 represent the fight in front of the business at

6 [REDACTED]

7 INSPECTOR NEWMAN: Which was verbal and a
8 little mou-mou, and the [REDACTED] had taken [REDACTED] coat off.

9 INSPECTOR ENGLER: And you had your window
10 down?

11 INSPECTOR NEWMAN: Had my window down.

12 INSPECTOR ENGLER: And you also...

13 POA ATTORNEY: "A little mou-mou?"

14 INSPECTOR NEWMAN: I'm sorry. Um, I'm sorry.

15 POA ATTORNEY: [LAUGH]

16 INSPECTOR NEWMAN: Um...

17 POA ATTORNEY: Mouthing off?

18 INSPECTOR NEWMAN: Mouthing off at each other,
19 yeah.

20 POA ATTORNEY: Okay.

21 INSPECTOR NEWMAN: My apologies...

22 POA ATTORNEY: That's all right.

23 INSPECTOR NEWMAN: ...Terminology.

24 INSPECTOR ENGLER: And you had an opportunity
25 to, uh... and the window of your vehicle is down?

1 INSPECTOR NEWMAN: Yes.

2 INSPECTOR ENGLER: And you could actually hear
3 there's something going on?

4 INSPECTOR NEWMAN: Oh, yeah. Yes.

5 INSPECTOR ENGLER: Okay.

6 INSPECTOR NEWMAN: Clearly.

7 INSPECTOR ENGLER: Did any of that fight spill
8 out into the street, or did it remain on the
9 sidewalk?

10 INSPECTOR NEWMAN: You know, Joe, I did see
11 people come out onto the street. And prior to the
12 shots, I saw two young [REDACTED] run into, uh, the strip
13 club. There was a lot of running.

14 INSPECTOR ENGLER: Now there's a few strip
15 clubs.

16 INSPECTOR NEWMAN: [REDACTED] in front of [REDACTED], by
17 the burrito shop there.

18 INSPECTOR ENGLER: [REDACTED] next to the burrito
19 shop.

20 INSPECTOR NEWMAN: Yes, sir.

21 INSPECTOR ENGLER: You saw a couple people
22 running there.

23 INSPECTOR NEWMAN: Yes. Right before.

24 INSPECTOR ENGLER: Right before.

25 INSPECTOR NEWMAN: Yes.

1 INSPECTOR ENGLER: Can you describe those
2 people?

3 INSPECTOR ENGLER: [REDACTED] I saw the
4 second person in tow, not the first, going in, and
5 [REDACTED] was running. I don't know if [REDACTED] knew or what,
6 but [REDACTED] like went into that place very fast.

7 INSPECTOR ENGLER: Okay. You described a
8 minute ago, that the fight began to move up
9 Columbus Street toward Grant Avenue, is that
10 accurate?

11 INSPECTOR NEWMAN: Yeah. Yes, it was.

12 INSPECTOR ENGLER: Okay. And if you can
13 estimate and I...

14 INSPECTOR NEWMAN: You know they weren't
15 stopping in mo... they weren't like stopped for any
16 specific time. They were all kind of moving towards
17 the area of Grant. And I say "they" meaning the
18 whole combination of 15, 20, 25, 30 people.

19 INSPECTOR ENGLER: Okay.

20 POA ATTORNEY: And you're talking about sort
21 of in a northbound direction based on this...

22 INSPECTOR NEWMAN: Yes. And I'm talking
23 people...

24 POA ATTORNEY: And this would be...

25 INSPECTOR NEWMAN: ...That may not have even

1 been involved. I mean, Joe, it's crowded. You've
2 got a lot of people in that area when this thing
3 happened. And I'm very surprised and happy that
4 there's the limited number of people that got hurt,
5 due to this person's pure negligent of human life.

6 INSPECTOR ENGLER: Okay. As this, as this... and
7 I'm trying to judge speed here, of movement, so
8 bear with me for a second... I believe Columbus
9 Avenue is 25 miles per hour. Although when it's
10 very busy, it may be a bit slower than that. Uh,
11 were you moving with the flow of traffic, or were
12 you more of at a patrol speed, where you slow down
13 because something may be happening?

14 INSPECTOR NEWMAN: We were slowed. We were
15 slowed. I remember we were slowed down. It wasn't
16 like we were driving the speed limit. We were
17 definitely going slow. How fast? I don't know, but
18 we were, we were right on it. I mean if the [REDACTED]
19 saw... saw that we were cops, I mean we were right on
20 it Joe.

21 INSPECTOR ENGLER: Was there... was uh, Sergeant
22 Kasper... was there indication that he was looking at
23 the same thing you were?

24 INSPECTOR NEWMAN: Yes. I remember
25 specifically at the time I first saw this [REDACTED]

1 [REDACTED] take [REDACTED] coat off, I heard Jon say something
2 to the effect of "What's up here? What do we got?"
3 You know, I knew he was looking. I didn't look at
4 [REDACTED] I'm watching the crowd. You know, it's like
5 we're going to have a 240 here, a fist fight. Never
6 did I think I'd see this [REDACTED] pull a firearm out and
7 just start shootin' people, which ha...you know
8 happened. So I knew Jon saw something, we just
9 didn't have a chance to really go, "Oh yes, you see
10 that person there? There's a fist fight. Oh, watch
11 this."

12 INSPECTOR ENGLER: Right.

13 INSPECTOR NEWMAN: It wasn't like that Joe.

14 INSPECTOR ENGLER: Right.

15 INSPECTOR NEWMAN: It was very quick.

16 INSPECTOR ENGLER: Well, let me ask a couple
17 of questions, because you've thrown out quite a few
18 police procedural terms. And, uh, one of the things
19 that you just referred to was slowing down to a
20 little bit slower than uh, uh, the flow of traffic,
21 when you see certain... make an observation of some
22 type of activity.

23 INSPECTOR NEWMAN: Possible criminal activity
24 happening.

25 INSPECTOR ENGLER: And so, would that be an

1 accurate... would that accurately describe why you
2 had the windows down at 1:30 in the morning and you
3 were driving slowly as you came around the corner
4 observing this group?

5 INSPECTOR NEWMAN: Um, I would say yes to the
6 point where we were in front of [REDACTED] and we
7 initially saw the group. But as far as me having
8 the window down, I'm also hot-blood. I keep my
9 window down all the time.

10 INSPECTOR ENGLER: Okay. Um, again, as the
11 group moved up the block, did you continue up the
12 block slowly in the vehicle with Sergeant Kasper
13 driving?

14 INSPECTOR NEWMAN: Yes. And I kept my eye on
15 that one son-of-a-gun that was shootin' at the
16 people. And, you know, Joe, I kind of feel bad
17 that, you know, one side of me says, when you see
18 somebody with a firearm shooting, and you see
19 multiple people dropping, and people screaming and
20 yelling, it's just chaos... you know you want to stop
21 that threat. But as a policeman in a car, there was
22 too many people. I couldn't not engage to possibly
23 stop that threat with my firearm at that time. I
24 had to pick and choose a safe spot to my advantage
25 for a possible take-on, because I knew that this

1 person possibly just committed, in my mind,
2 multiple homicides.

3 INSPECTOR ENGLER: Okay. And just on that
4 point, I was going to bring this up later, but why
5 don't we take care of this right now.

6 INSPECTOR NEWMAN: Whatever you need Joe.

7 INSPECTOR ENGLER: I'm familiar a little bit
8 with your personal background, and you're not the
9 typical patrol officer, in that you've had quite a
10 bit of training in some unique areas. Could you
11 describe what kind of tactical training you've had
12 as far as in the use of firearms?

13 INSPECTOR NEWMAN: Um, well I was assigned to
14 the Specialist Team early on for eight... for
15 approximately eight years.

16 INSPECTOR ENGLER: And what does that mean?

17 INSPECTOR NEWMAN: Specialist Team is an
18 inner, inter-perimeter response team for any
19 critical incident. Uh, stationed personnel
20 officers... they are part of a deployment team to be
21 a first responder to contain any kind of critical
22 incident.

23 INSPECTOR ENGLER: And what type of incidents
24 are critical incidents?

25 INSPECTOR NEWMAN: That would be, that would

1 be a hostage situation, a barricaded suspect, or a
2 sniper, or nowadays an active shooter-type
3 situation. Anything that would have a potential
4 callout for a entry team to do an extraction or a,
5 uh, you know, a search.

6 INSPECTOR ENGLER: So then is a specialist
7 different than just a regular patrol officer?

8 INSPECTOR NEWMAN: Uh, yes.

9 INSPECTOR ENGLER: Um, so in one of those
10 critical incidents, um, I think... how would a
11 specialist's response be different than a patrol
12 officer's response?

13 INSPECTOR NEWMAN: Well, you know, Joe, I
14 couldn't really answer that. It would have to be
15 the individual. And not knowing each person's
16 training, and, you know, what they have as far as
17 training background, it's sort of an open-ended
18 question.

19 INSPECTOR ENGLER: Well... and, and, it was
20 purposely that way because I have never been a
21 specialist, but my understanding is specialists
22 receive additional firearm training...

23 INSPECTOR NEWMAN: Yes they do.

24 INSPECTOR ENGLER: ...And use-of-force training.

25 INSPECTOR NEWMAN: Yes they do.

1 INSPECTOR ENGLER: Is that accurate

2 INSPECTOR NEWMAN: Right. But at the time I
3 was on the Specialist Team, it's changed to what
4 they're doing now. Now we're doing... they have the
5 San Diego qual courses with the handgun courses.
6 It's been brought up to be a little more
7 tactically-oriented than it was 10, 15, 12 years
8 ago.

9 INSPECTOR ENGLER: Okay.

10 INSPECTOR NEWMAN: But to continue answering
11 your question, I was assigned to the tactical entry
12 teams for just shy of eight years.

13 INSPECTOR ENGLER: Okay. And um, then, not to
14 belabor the point, but in some of that training,
15 was there, was there, was there training on certain
16 protocols and best practices to follow, as far as
17 gaining a tactical advantage, and when it's a good
18 idea to engage, and when it's not a good idea to
19 engage...

20 INSPECTOR NEWMAN: Um...

21 INSPECTOR ENGLER: ...A shooter?

22 INSPECTOR NEWMAN: I would have to say yes.

23 INSPECTOR ENGLER: Okay.

24 INSPECTOR NEWMAN: Primarily, you know, I was
25 one of the trainers, facilitators for the active

1 shooter... the Schlage Lock... the Schlage Lock course
2 that had, and the whole department went through.
3 How to contain, respond and [REDACTED]
4 [REDACTED] with our whole department went through it
5 and I was one of the facilitators on that. I taught
6 a lot of the department how to proceed and go after
7 an active shooter in that type of situation. And as
8 I said earlier on during this interview, I tried to
9 deploy some of those tactics. I just didn't have
10 the police personnel with me. And you know, I made
11 a decision to announce my presence as a police
12 officer and attempt to stop and detain and arrest,
13 and take this firearm away from the person that I
14 saw shoot, in front of the building that I felt was
15 safe.

16 INSPECTOR ENGLER: Okay. And so, and so... that
17 was, that was where... I, I, I chose that moment to
18 go there because, um, when you saw the gunshots
19 first being fired, uh, uh, you waited until...

20 INSPECTOR NEWMAN: I picked my spot to take
21 [REDACTED] on.

22 INSPECTOR ENGLER: And that... and that made it
23 safer for...

24 INSPECTOR NEWMAN: For me, my partner, the
25 citizens that were behind us. I'm focusing on this

1 person with the handgun. I'm not knowing, you know,
2 the crowd, the cars, traffic, people running from
3 the initial shooting. I'm not looking behind me,
4 but I know there's a lot of public. There's a lot
5 of people that could have potentially been
6 additional victims, with this person's careless
7 disregard for human life. So, I also felt that
8 because, you know, ■ was startin' to shuffle-walk,
9 and ■ was leaving the scene. And in my mind ■ was
10 fleeing. ■ was getting away. If I didn't take ■
11 on, this ■ would have gotten away. ■ would have
12 gotten away. ■ would have gotten a car. I also
13 thought maybe ■ was gonna shoot additional people.
14 I was in fear for the people in front of ■, Joe.
15 So, I knew I didn't want that ■ to get to Fresno,
16 and I had to pick my spot before I took ■ on. And
17 that's why I waited and kind of, you know, took ■
18 onto a spot where I felt it was ok. Because I got
19 out on ■ side. I didn't have our police vehicle
20 for additional cover.

21 INSPECTOR ENGLER: Okay. Um, the, the, the
22 round that you fired... from what location were you
23 when you fired that round?

24 INSPECTOR NEWMAN: I believe, like I said
25 there were two cars... the first car that was on the

1 um... the um... building line of um... Grant Street...

2 INSPECTOR ENGLER: Mm-hmm.

3 INSPECTOR NEWMAN: ...Where the other car... right
4 here where the number one is basically.

5 INSPECTOR ENGLER: Okay.

6 INSPECTOR NEWMAN: I got between those two
7 cars...

8 INSPECTOR ENGLER: Mm-hmm.

9 INSPECTOR NEWMAN: ...I gave my police order...
10 poli... I identified clearly as a police officer. My
11 star was there. [phone rings] My w... uh, I gave a
12 verbal order that I was a police and to drop the
13 firearm. Um, I was presented with a threat by this
14 person, who I had just saw shoot... not knowing, but
15 I knew I saw three... I didn't know how many more
16 victims I had. You know, you know, I had to make a
17 decision Joe, and I took [REDACTED] on right there.

18 INSPECTOR ENGLER: Okay. Did you... do... do you
19 know whether or not you hit the individual you
20 fired at?

21 INSPECTOR NEWMAN: Um... not initially... not
22 initially. You know, things were still crazy. I had
23 to wait until I could get up and assess [REDACTED] need
24 for any medical assistance at that time. I was able
25 to see where my round hit on the wall. And I know...

1 in my mind I believe I fired one round. And the
2 only reason I fired one round Joe, is because... I
3 don't remember gettin' on sights. I came up so
4 quick, gave my order, and when I saw the threat
5 with [REDACTED] coming, you know, I got my round off very
6 fast. I think I may have come up lower. It wasn't
7 like point black, "hey I got...," I'm not on my
8 sights on this [REDACTED] It was so quick. You know, when
9 [REDACTED] presented that threat, I was expecting [REDACTED] to
10 drop the gun, you know, comply a little bit. I
11 really thought, you know, because I was on it so
12 fast, [REDACTED] would have complied. I didn't expect for
13 [REDACTED] to turn and present a threat to me with the
14 gun. Having that happen, you know, the gun... at that
15 point I fired, you know, at the other [REDACTED] with
16 [REDACTED]. At that time I didn't know that the gun had...
17 as I later found out, the gun had been transferred
18 to somebody else and went up the block to the
19 corner here at Fresno and Grant. I felt from that
20 individual, and I fired, and at that point there
21 was no additional threat. [REDACTED] complied, went down,
22 hands out. That's why I only delivered one. I did
23 an assessment, and there was no need for a second
24 shot.

25 INSPECTOR ENGLER: Okay. So would it be

1 accurate to say after... after that first shot was
2 fired, you were able to...

3 INSPECTOR NEWMAN: I continued my assessment.
4 If the threat was still... if I still felt the
5 threat, and I didn't. That's the only reason why I
6 fired one.

7 INSPECTOR ENGLER: Okay, very good. Um... we
8 have to be accountable, you know. Uh, Inspector
9 Pierucchi?

10 INSPECTOR PIERUCCHI: Okay. I... uh... I know
11 about your training and everything. Um... you are...
12 you know, you were telling us that you were... you
13 saw this [REDACTED] shoot...

14 INSPECTOR NEWMAN: Yes.

15 INSPECTOR PIERUCCHI: ...You saw this [REDACTED] shoot,
16 and then from there... just one thing, if you could
17 repeat for me, because I, I was taking notes and
18 stuff and I was trying to...

19 INSPECTOR NEWMAN: Whatever you need, Sir.

20 INSPECTOR PIERUCCHI: Okay, no... you just... you
21 saw this [REDACTED] shoot... you, you attempted to gain...

22 INSPECTOR NEWMAN: A tactical advantage.

23 INSPECTOR PIERUCCHI: ...Advantage, exactly.
24 Okay, all right. And...

25 INSPECTOR NEWMAN: So I hesitated. I didn't

1 take [REDACTED] on right away. It was not a safe place. [REDACTED]
2 could have... [REDACTED] could have shot more people. It just
3 wasn't a safe place for a take on of um, of that
4 individual at that time.

5 INSPECTOR PIERUCCHI: Okay. And behind the
6 individual... you were also looking behind the
7 individual?

8 INSPECTOR NEWMAN: Yes. That where I saw the
9 strip club out front, runnin' back and forth,
10 businesses were open. If I wanted to, I couldn't
11 take a shot there. It would... it just didn't present
12 itself. I had to wait until [REDACTED] was in a safer area.

13 INSPECTOR PIERUCCHI: Okay [unintelligible]. I
14 have um...

15 POA ATTORNEY: Can I uh... can I follow-up with
16 a few questions?

17 INSPECTOR PIERUCCHI: Please.

18 INSPECTOR NEWMAN: Sir, whatever you need.

19 POA ATTORNEY: Um, what was the... starting
20 with... I'm gonna, I'm gonna move back just a little
21 bit and, and uh, ask a couple of follow-up
22 questions. Uh, what was Sergeant Kasper wearing?

23 INSPECTOR NEWMAN: He had a shirt similar to
24 mine, kind of a light tan. He had dark Levi's on,
25 and I, I think he had uh... I'm not sure of his

1 shoes.

2 POA ATTORNEY: Okay. But also in plain
3 clothes?

4 INSPECTOR NEWMAN: Yes, sir.

5 POA ATTORNEY: With his star displayed?

6 INSPECTOR NEWMAN: I believe his star was out
7 over his chest.

8 POA ATTORNEY: On a chain?

9 INSPECTOR NEWMAN: Yes.

10 POA ATTORNEY: Around his neck?

11 INSPECTOR NEWMAN: Yes.

12 POA ATTORNEY: Okay, and he was also wearing a
13 sidearm?

14 INSPECTOR NEWMAN: Yes, sir.

15 POA ATTORNEY: And his uh... does he wear a
16 spare magazine and handcuffs like you do?

17 INSPECTOR NEWMAN: Yes.

18 POA ATTORNEY: Okay. Um... you des... and I take
19 it this way you were also in an unmarked car?

20 INSPECTOR NEWMAN: Yes, sir.

21 POA ATTORNEY: What kind of car was that?

22 INSPECTOR NEWMAN: Uh, I think that night we
23 were in a Taurus.

24 POA ATTORNEY: Okay.

25 INSPECTOR NEWMAN: A Ford Taurus.

1 POA ATTORNEY: And it's not... no distinguishing
2 marks on the car?

3 INSPECTOR NEWMAN: No. In fact, I think I
4 recall... because I went through in my mind before I
5 saw the [REDACTED] with the firearm... I wanted to hit the
6 uh... chirp the uh... you know, the sirens to let [REDACTED]
7 know... uh "hey, we're on the block boys. Let's knock
8 this stuff off." But the car wasn't equipped with
9 anything like that.

10 POA ATTORNEY: Oh, so you... but it... had you had
11 a siren... before... [LAUGH]

12 INSPECTOR NEWMAN: I would have, yeah, I
13 [unintelligible] kind of thought I would, but I
14 looked and nothing was there. Because you know,
15 sometimes in our police practice you see things and
16 you kind of know, from our training and experience,
17 you see opposing people, and especially when
18 somebody takes a coat off... that's an indication
19 that somebody wants to fight. I looked down, and it
20 didn't have a little horn.

21 POA ATTORNEY: So you felt like it was a good
22 time to announcement law enforcement presence?

23 INSPECTOR NEWMAN: You know what? Absolutely.

24 POA ATTORNEY: Okay.

25 INSPECTOR NEWMAN: And I saw that there wasn't

1 anything. I would have hit the little beep beep,
2 you know, "hey, knock this shit off. Get outta
3 here."

4 POA ATTORNEY: Okay.

5 INSPECTOR NEWMAN: But the car didn't have
6 that.

7 POA ATTORNEY: Um, and when you um... you've
8 described uh... an individual... it sounds like... why
9 don't you tell us this. From the time you observed
10 this group of, what you said could have been up to
11 30 people, to the time that you saw the gun, how
12 long do you think that was?

13 INSPECTOR NEWMAN: Oh my God, very fast.

14 POA ATTORNEY: Okay.

15 INSPECTOR NEWMAN: I would say five to seven
16 seconds.

17 POA ATTORNEY: Okay. And then from the time
18 you saw the gun until the shots were... this person
19 started shooting, how long was that?

20 INSPECTOR NEWMAN: The same... five to seven
21 seconds.

22 POA ATTORNEY: Okay. So the... from the time you
23 saw the group, to the time the shots were fired is
24 1... 10 seconds or less?

25 INSPECTOR NEWMAN: Probably 10 seconds or

1 less.

2 POA ATTORNEY: Okay. And... it sounds like you
3 immediately assessed... in, in, in what you've
4 described for us... I think called for... I think we in
5 this room would all agree, immediately called for
6 potential use of deadly force by you.

7 INSPECTOR NEWMAN: Sir, that person left me
8 with no option to ender that force with my firearm.

9 POA ATTORNEY: Right. And... but the use of
10 deadly force by you was not justified immediately
11 because... finish that sentence.

12 INSPECTOR NEWMAN: Because of the large crowd.
13 Uh, people... innocent people, people walking up and
14 down that were not involved in the altercation, the
15 time, the location. I could not have used my
16 firearm in that situation.

17 POA ATTORNEY: And, so you immediately moved
18 to a position where you could do what?

19 INSPECTOR NEWMAN: Tactically, safely, attempt
20 to apprehend and take this individual into custody,
21 to stop continuing threats and danger to the public
22 and any other possible victims in the immediate
23 area.

24 POA ATTORNEY: And you did that as quickly as
25 you could?

1 INSPECTOR NEWMAN: Yes, I did.

2 POA ATTORNEY: Okay.

3 INSPECTOR NEWMAN: My... my point where I felt
4 it was safe for myself, the community, my partner,
5 and for the individual... the suspect [REDACTED].

6 POA ATTORNEY: Okay. And then when you... you
7 mentioned that you announced um... or you said... I, I,
8 I don't know if you remember what your exact words
9 were, but you announced, "Police officer, drop the
10 fucking gun." And you described a reaction from the
11 individual who you saw do the shooting?

12 INSPECTOR NEWMAN: Yes.

13 POA ATTORNEY: Can you describe what [REDACTED]
14 reaction was? And it sounds like it wasn't...

15 INSPECTOR NEWMAN: Well...

16 POA ATTORNEY: [REDACTED] didn't give up.

17 INSPECTOR NEWMAN: No, [REDACTED] didn't.

18 POA ATTORNEY: Okay, tell us what [REDACTED] did?

19 INSPECTOR NEWMAN: [REDACTED] continued to turn to [REDACTED]
20 right, over [REDACTED] left shoulder, with the handgun in
21 [REDACTED] hand... I believe it was [REDACTED] right hand. I saw
22 the firearm coming around to my area where I was...
23 to my person... and I felt extremely scared that this
24 person has already displayed total lack, disregard
25 for human life. And after what I witnessed...

1 multiple people being shot, that, you know, I felt
2 that this person, had ■ had an opportunity, ■
3 would have shot me, my partner as well.

4 POA ATTORNEY: And after you fired the one
5 shot from your firearm, did ■ comply with your
6 commands?

7 INSPECTOR NEWMAN: That's when the person that
8 was just shoulder-to-shoulder with ■ maybe a
9 half-step ahead of ■ took off in a full sprint,
10 turned right with the other individual...

11 POA ATTORNEY: So... but you were still focused
12 on the shooter?

13 INSPECTOR NEWMAN: Absolutely.

14 POA ATTORNEY: Okay, so...

15 INSPECTOR NEWMAN: Absolutely. I was not
16 lettin' that ■ go.

17 POA ATTORNEY: What did the shooter do after
18 you shot? Did ■

19 INSPECTOR NEWMAN: ■ listened to me.

20 POA ATTORNEY: And what did ■ do?

21 INSPECTOR NEWMAN: ■ got down on the ground
22 and I gave ■ verbal orders. And then the other
23 officer came over and I told that officer "hold
24 this ■ this is my... this is the shooting
25 suspect."

1 POA ATTORNEY: Okay. So, so when [REDACTED] went down
2 to the ground and started listening to you, is that
3 when you put your gun away and appro... did you have
4 your gun out? Or, what did you do with your gun?

5 INSPECTOR NEWMAN: I had my gun out at that
6 time, um, I had it down at my side and I ran up to
7 the area of um... still in my hand... up to uh, across
8 from the salon, saloon... I guess that's the
9 intersection of Grant and Fresno.

10 POA ATTORNEY: Okay.

11 INSPECTOR NEWMAN: And when I saw that there
12 was no more immediate threat to myself, the public,
13 or my partner, or any of the police officers that
14 were responding, I picked another safe area to de-
15 cock my firearm, holster it up, and make sure it
16 was snapped in, so my weapon would not be a threat
17 to anybody else.

18 INSPECTOR ENGLER: So, so, where we are now... I
19 was going to do this at the end, but, but let's do
20 it now.

21 POA ATTORNEY: Okay.

22 INSPECTOR ENGLER: The, the gun that you
23 holstered back up... did it come back out of the
24 holster again? Uh, uh, at the scene?

25 INSPECTOR NEWMAN: No.

1 INSPECTOR ENGLER: Okay. And where, where is
2 that gun now?

3 INSPECTOR NEWMAN: Um, later that evening,
4 last night, I gave it to um, Paul [Wiggamin] from
5 CSI, and Tony Combs of CSI, in the presence of
6 Lieutenant Sinez, in my office up in uh... CIU.

7 INSPECTOR ENGLER: Okay.

8 POA ATTORNEY: And that was this morning?

9 INSPECTOR NEWMAN: That was this morning. Yes,
10 yes sir, thank you.

11 POA ATTORNEY: Okay.

12 INSPECTOR ENGLER: And, and, you gave it over...

13 INSPECTOR NEWMAN: On their request.

14 INSPECTOR ENGLER: On their request.

15 INSPECTOR NEWMAN: Yes, sir.

16 INSPECTOR ENGLER: And, uh, just to put the
17 information on the table, that's San Francisco
18 Police Department protocol. When a department
19 weapon is used...

20 INSPECTOR NEWMAN: Right.

21 INSPECTOR ENGLER: ...On duty in officer-
22 involved incident...

23 INSPECTOR NEWMAN: Yes, sir.

24 INSPECTOR ENGLER: Uh, those guns are taken
25 and a replacement gun is given while the

1 investigation is being conducted. So...

2 INSPECTOR NEWMAN: That's correct.

3 INSPECTOR ENGLER: ...You understand that's
4 normal protocol?

5 INSPECTOR NEWMAN: I do, and thank you for
6 explaining that to me.

7 INSPECTOR ENGLER: And, the weapon used, that
8 was your primary weapon?

9 INSPECTOR NEWMAN: Yes, sir.

10 INSPECTOR ENGLER: Okay.

11 INSPECTOR NEWMAN: My duty-issued firearm from
12 the police range.

13 INSPECTOR ENGLER: Okay. Do you carry a backup
14 weapon?

15 INSPECTOR NEWMAN: No.

16 INSPECTOR ENGLER: Okay. Was your gun fully-
17 loaded last night?

18 INSPECTOR NEWMAN: Yes.

19 INSPECTOR ENGLER: Okay. And, we discussed
20 earlier extra magazines... how many did you have?

21 INSPECTOR NEWMAN: Uh, I had uh... one, in my
22 uh... handcuff uh, case on my... on my belt
23 [unintelligible].

24 INSPECTOR ENGLER: So you had one
25 [unintelligible]?

1 INSPECTOR NEWMAN: Yeah. And then I had my
2 second one I keep in my, in my... I call it my ready
3 bag. It's my investigator's bag with my camera, my
4 notes, all my forms, pens, and little stuff like
5 that Joe.

6 INSPECTOR ENGLER: And is that bag in the
7 passenger or is it in the trunk?

8 INSPECTOR NEWMAN: Um, sometimes I keep it the
9 backseat. Sometimes I keep it in the trunk. If I go
10 to dinner, I'll keep it in the trunk.

11 INSPECTOR ENGLER: How about last night?

12 INSPECTOR NEWMAN: You know, Joe, I want to
13 say I think it was in, it was in the uh... when we
14 went to dinner, I think I put it in the trunk. Um,
15 yeah, it might have been in the trunk.

16 INSPECTOR ENGLER: Okay. And...

17 INSPECTOR NEWMAN: But my coat was in the
18 backseat.

19 INSPECTOR ENGLER: Did you see any other
20 officer fire their service weapon?

21 INSPECTOR NEWMAN: No, not to my... not to my
22 knowledge, I didn't.

23 INSPECTOR ENGLER: Okay. And immediately after
24 uh... the shooting occurred, you talked about... as
25 officers arrived... you had a conversation with other

1 officers.

2 INSPECTOR NEWMAN: Yes I did.

3 INSPECTOR ENGLER: Okay. And, uh, could, c, c,
4 could we briefly go through the other officers
5 that...

6 INSPECTOR NEWMAN: Uh...

7 INSPECTOR ENGLER: ...You spoke with?

8 INSPECTOR NEWMAN: Officer [Nguyen], who I
9 directed, "this was the shooting suspect."

10 INSPECTOR ENGLER: Right.

11 INSPECTOR NEWMAN: I kind of flipped multiple
12 hats, because I knew I had a crime scene, and here
13 is a crime scene.

14 INSPECTOR ENGLER: Right.

15 INSPECTOR NEWMAN: However, I was involved in
16 the shooting, but I still... you know, was trying to
17 do a lot there as a professional...

18 INSPECTOR ENGLER: And it was so fluid a
19 situation. There was two people and
20 [unintelligible]...

21 INSPECTOR NEWMAN: It was very fluid, very
22 fluid.

23 INSPECTOR ENGLER: So where you using the
24 radio? Were you putting out descriptions?

25 INSPECTOR NEWMAN: Yes, I was.

1 INSPECTOR ENGLER: Were you making
2 notifications?

3 INSPECTOR NEWMAN: I was, on my phone.

4 INSPECTOR ENGLER: Okay.

5 INSPECTOR NEWMAN: Yeah.

6 INSPECTOR ENGLER: Who did you notify?

7 INSPECTOR NEWMAN: I called my Lieutenant...
8 Lieutenant [Sinez]. Um, I don't remember if I
9 called Ops Center or not, but I got on the air and
10 I requested, you know, CSI, things of that nature.
11 Um...

12 INSPECTOR ENGLER: Was a Code 33 called on the
13 radio?

14 INSPECTOR NEWMAN: I didn't call. I didn't
15 have time.

16 INSPECTOR ENGLER: Okay.

17 INSPECTOR NEWMAN: I didn't even get on the
18 radio until after my portion where I ended up
19 engaging in shooting at the person.

20 INSPECTOR ENGLER: Okay

21 INSPECTOR NEWMAN: It wasn't tactically sound
22 for me to use a police radio at that point in time
23 as I was, you know... um...

24 INSPECTOR ENGLER: Okay.

25 INSPECTOR NEWMAN: If that helps you out Joe.

1 INSPECTOR ENGLER: It does. Um, now, you, you,
2 talked about a crime scene.

3 INSPECTOR NEWMAN: Yes.

4 INSPECTOR ENGLER: Okay. And, um, uh, you
5 remained at the crime scene, uh, because you were
6 still when we, when we arrived at the crime scene...

7 INSPECTOR NEWMAN: Yeah, in fact I ordered.. I
8 asked the station personnel, because they were
9 moving the person that was the shooter that I fired
10 at to Central, and I asked for them to bag [REDACTED]
11 hands.

12 INSPECTOR ENGLER: Okay.

13 INSPECTOR NEWMAN: And then Sergeant uh, oh my
14 goodness, what's her name, Laura...

15 INSPECTOR ENGLER: Laura Knight.

16 INSPECTOR NEWMAN: Laura Knight, thank you.
17 Laura Knight approached me and said, "hey, I've got
18 two others that I saw at a high sprint..." Her and
19 her... some other officers, unidentified officers
20 detained those two individuals, and she told me
21 about that.

22 INSPECTOR ENGLER: Okay. The crime scene
23 itself... to back up a little bit... um, did you see
24 any casings on the ground in the area where you saw
25 the subject shooting?

1 INSPECTOR NEWMAN: Yes, I did. I did. I ended
2 up going back and I checked and rendered aid to a
3 person wearing a burgundy-red pullover sweatshirt,
4 blue Levi's and there was blood pouring out on the
5 left side of [REDACTED] and I wasn't sure where [REDACTED] was
6 struck. Ambulance wasn't there yet, and I checked
7 on [REDACTED]

8 INSPECTOR ENGLER: When you say, "checked,"
9 what kind of assessment were you making?

10 INSPECTOR NEWMAN: I just did a quick low-
11 down, you know, make sure this [REDACTED] was breathing,
12 upright, conscious, comprehensible of, you know,
13 verbal commands. [REDACTED] wasn't, you know, in immediate
14 need of, you know, first aid as far as being CPR or
15 anything like that. You know, [REDACTED] was breathing on
16 [REDACTED] own. However, [REDACTED] was bleeding.

17 INSPECTOR ENGLER: Okay. Did [REDACTED] tell you
18 anything about who shot [REDACTED]

19 INSPECTOR NEWMAN: Uh, no.

20 INSPECTOR ENGLER: Okay. Did [REDACTED]..

21 INSPECTOR ENGLER: No.

22 INSPECTOR ENGLER: ...Tell you anything?

23 INSPECTOR NEWMAN: No. Other officers were
24 talking to [REDACTED] about that, and I was trying to, to
25 um... I figured it wasn't the time right there. I was

1 trying to keep people out from kicking shell
2 casings. In fact, I ended up picking up my shell
3 casing... uh, from the scene because multiple people
4 were running, and somebody kicked my casing. And
5 with the traffic, cars, I felt... and there were
6 sewer grates, I felt I was going to lose it, so I
7 picked up mine. And...

8 INSPECTOR ENGLER: So, so we've got... as you've
9 described earlier, two crime scenes.

10 INSPECTOR NEWMAN: Yes.

11 INSPECTOR ENGLER: We, we have the crime scene
12 where the initial shooting happened. And would it
13 be accurate to say you were still at the scene when
14 you saw yellow crime scene tape go up?

15 INSPECTOR NEWMAN: Yes, sir.

16 INSPECTOR ENGLER: Okay. And then there was a
17 second crime scene. And the second crime scene is
18 around the corner, uh, in the location you
19 indicated on the ma... on the Google map. Uh, uh... was
20 that casing in the area of where you say you
21 discharged your weapon?

22 INSPECTOR NEWMAN: Yes.

23 INSPECTOR ENGLER: Okay. And where... to the
24 best of your recollection you just told us you
25 picked it up.

1 INSPECTOR NEWMAN: Yes, sir.

2 INSPECTOR ENGLER: Uh, where was that
3 location?

4 INSPECTOR NEWMAN: Kind of in-between, where
5 the two cars I described... the one that was the
6 first one on the corner on um, Grant, and where the
7 last car on Columbus kind of met. It was kind of on
8 the sidewalk, maybe about a foot, two feet, onto
9 the sidewalk. And that's where I first saw it. And
10 then I saw people... some [REDACTED] just... I think [REDACTED] was
11 with [REDACTED] [REDACTED] trying to get the hell
12 outta there... [REDACTED] kicked it and it went into the
13 street and it was tumblin' around. And I know
14 there's sewers, and I didn't want a car to pick it
15 up in its tire. So, you know, it was already moved
16 out of its initial spot. I picked it up Joe.

17 INSPECTOR ENGLER: Okay. So this scene was not
18 controlled at the time you picked it up?

19 INSPECTOR NEWMAN: No.

20 INSPECTOR ENGLER: Okay.

21 INSPECTOR NEWMAN: No, it wasn't.

22 INSPECTOR ENGLER: Do you have that casing
23 still?

24 INSPECTOR NEWMAN: No, I don't. I end up
25 giving it last night in the presence of uh,

1 Lieutenant [Sinez], um, to the CSI representatives
2 who took my gun.

3 INSPECTOR ENGLER: Okay. Okay. And, and, so
4 the location... there's the number one on the map up
5 here... uh, there's the X where you got out of the
6 car... uh... we, we drew a one on the map up here. Uh,
7 and, and, and, again there's a number three up
8 here.

9 POA ATTORNEY: Why don't you write "one" here
10 and tell us what that is again just so... write the
11 number... just a little legend.

12 INSPECTOR NEWMAN: One would equal... I'm
13 going to put "Newman Shooting."

14 INSPECTOR ENGLER: Okay.

15 POA ATTORNEY: Wait, didn't... wait... are we...

16 INSPECTOR NEWMAN: That's my attempt to take
17 on the uh...

18 INSPECTOR ENGLER: Okay.

19 POA ATTORNEY: Just so we're clear... So you
20 know where one... one... and this is where you saw the
21 other two [REDACTED]

22 INSPECTOR NEWMAN: Yes, sir.

23 POA ATTORNEY: ...And then three is going to be...

24 INSPECTOR NEWMAN: One I'll put uh, "Newman
25 Shooting."

1 INSPECTOR ENGLER: And "Suspect"... "Newman
2 Suspect."
3 POA ATTORNEY: "Shooting."
4 INSPECTOR NEWMAN: Two, I'm going to put
5 "Newman first saw..
6 INSPECTOR ENGLER: "Two suspects."
7 INSPECTOR PIERUCCHI: "Two suspects."
8 INSPECTOR NEWMAN: "running."
9 POA ATTORNEY: Yeah. And then number two being
10 the location of the two suspects, not where you
11 were. This is..
12 INSPECTOR NEWMAN: That's correct. Yes, sir.
13 POA ATTORNEY: Okay.
14 INSPECTOR NEWMAN: The number three is up here
15 on the corner of Fresno and Grant.
16 INSPECTOR ENGLER: "Gun found."
17 INSPECTOR NEWMAN: Okay.
18 POA ATTORNEY: Why don't you put your name and
19 star number on that so..
20 INSPECTOR ENGLER: And date and time.
21 POA ATTORNEY: And then, and then uh... Engler
22 can attach to whatever documents he needs to attach
23 it to.
24 INSPECTOR NEWMAN: Was it [unintelligible]?
25 Here you go.

1 INSPECTOR ENGLER: Okay, good. So we have a
2 legend. And uh, the legend is the number one equals
3 uh, Newman shoot, shoots the suspect.

4 INSPECTOR NEWMAN: Shoots out.

5 INSPECTOR ENGLER: Number two is the location
6 of the two associates that were with..

7 INSPECTOR NEWMAN: Yes they were.

8 INSPECTOR ENGLER: ...The suspect.

9 INSPECTOR NEWMAN: Yes, sir.

10 INSPECTOR ENGLER: And you saw them running up
11 the hill?

12 INSPECTOR NEWMAN: Yes, Sir.

13 INSPECTOR ENGLER: Okay. Number three is the
14 actual physical location where you observed the gun
15 on the ground.

16 INSPECTOR NEWMAN: Yes, sir.

17 INSPECTOR ENGLER: Okay. And then you signed
18 and dated this.

19 INSPECTOR NEWMAN: Right.

20 INSPECTOR ENGLER: And there's, there's a
21 couple other things on here that are self-
22 explanatory... the "C" being the car, the "F" being
23 the fight, the [REDACTED] being the...

24 INSPECTOR NEWMAN: Victims.

25 INSPECTOR ENGLER: ...The location of the strip,

1 strip club, and the "X" where you wrote "get out of
2 the car," so those speak for themselves.

3 INSPECTOR NEWMAN: Okay.

4 INSPECTOR ENGLER: And then we have a parking
5 lot up here near the corner of Fresno and uh,
6 Romolo Place. And, that also goes to uh, the
7 proximity of the two subjects when you saw them,
8 and uh, to your familiarity with the area, having
9 worked there before.

10 INSPECTOR NEWMAN: Yes, sir. That's correct.

11 INSPECTOR ENGLER: Okay. Inspector?

12 INSPECTOR PIERUCCHI: Okay, if you could
13 remember, just for the purposes of this, and the
14 investigation, show where it was that you actually
15 picked up that casing? Just so...

16 INSPECTOR NEWMAN: Again, I'll put a "C" okay?

17 INSPECTOR ENGLER: [unintelligible] keep it
18 consistent.

19 INSPECTOR NEWMAN: It was roughly... you know
20 right here on the, I'll put four for casing.

21 INSPECTOR PIERUCCHI: Okay.

22 INSPECTOR NEWMAN: Will that help you?

23 INSPECTOR PIERUCCHI: Sure.

24 INSPECTOR NEWMAN: "Casing, Newman."

25 POA ATTORNEY: And then why don't you put a

1 number four there next to the "C" there.

2 INSPECTOR ENGLER: Do you have any, do you
3 have any questions?

4 INSPECTOR PIERUCCHI: Yeah, actually Inspector
5 Newman, I do have just a couple of questions.

6 INSPECTOR NEWMAN: Yes, sir.

7 INSPECTOR PIERUCCHI: Um, as you were driving
8 on Columbus...

9 INSPECTOR NEWMAN: I was a passenger, Sir.

10 INSPECTOR PIERUCCHI: Okay. Excuse me, so you
11 were the passenger on Columbus, and uh, you saw
12 this individual fire the gun, um, toward the crowd..

13 INSPECTOR NEWMAN: Yes.

14 INSPECTOR PIERUCCHI: Do you remember what
15 type of gun ■ had?

16 INSPECTOR NEWMAN: It was a black automatic.

17 INSPECTOR PIERUCCHI: Black automatic.

18 INSPECTOR NEWMAN: Consistent with what was
19 found on Fresno and Grant.

20 INSPECTOR PIERUCCHI: Okay. And you were
21 concerned for the safety of the crowd, so you were
22 trying to pick a location where you could safely
23 engage ■ and turn on...

24 INSPECTOR NEWMAN: Engage, take on to take ■
25 into custody. Yes, sir.

1 INSPECTOR PIERUCCHI: Okay. You turn onto
2 Grant... about a couple car lengths onto Grant, um,
3 you exit the vehicle and...

4 INSPECTOR NEWMAN: No, I exited before that.

5 INSPECTOR PIERUCCHI: Okay.

6 INSPECTOR NEWMAN: Before that.

7 INSPECTOR PIERUCCHI: Uh, by the corner or...

8 INSPECTOR NEWMAN: Just past [REDACTED], before the
9 corner.

10 INSPECTOR PIERUCCHI: Okay, gotcha.

11 POA ATTORNEY: [REDACTED]s right here.

12 INSPECTOR PIERUCCHI: I see. And um, as you
13 identified yourself to [REDACTED] and, and [REDACTED] turns
14 toward you with a gun, at that point, what goes
15 through your mind at that point, as [REDACTED]'s turning to
16 you with a gun?

17 INSPECTOR NEWMAN: I wanted to stop the force.
18 I wanted to end the threat that was presented to
19 me. And the only way that I could was by handgun...
20 delivering the shot.

21 INSPECTOR PIERUCCHI: Okay. Are there any
22 other thoughts that ran through your mind... I know
23 it happened split second... any other thoughts that
24 ran through your mind at that point?

25 INSPECTOR NEWMAN: No. No. At that initial

1 point in time, sir, my thought was to stop the
2 threat, and, you know, to make sure this person who
3 was positioning a handgun in my direction, didn't
4 shoot anybody behind me, any additional people,
5 pedestrians, anybody from the community... my
6 partner, who I didn't know exactly where [REDACTED] was,
7 because I was keeping my eye right on that [REDACTED]

8 INSPECTOR PIERUCCHI: Okay. Any other
9 questions?

10 POA ATTORNEY: Uh, Inspector Newman, is there
11 anything you want to add? Do you feel like you've
12 had adequate opportunity to discuss this?

13 INSPECTOR NEWMAN: No, sir. I think I'm fine
14 if... I don't have anything else gentlemen.

15 POA ATTORNEY: What don't we just wait for uh...

16 INSPECTOR PIERUCCHI: Wait for Joe to come
17 back and see if he has anything else.

18 INSPECTOR NEWMAN: Thank you.

19 INSPECTOR PIERUCCHI: Thank you J.

20 INSPECTOR NEWMAN: Can I go out and grab some
21 water real quick?

22 INSPECTOR PIERUCCHI: Yeah.

23 INSPECTOR NEWMAN: Is that okay?

24 POA ATTORNEY: Sure.

25 INSPECTOR ENGLER: I have a couple more

1 questions.

2 INSPECTOR PIERUCCHI: Okay. He's getting a
3 glass of water. I'll get it for [REDACTED]

4 POA ATTORNEY: Yeah, just get [REDACTED]

5 INSPECTOR PIERUCCHI: Do you want to take a
6 break real quick?

7 INSPECTOR ENGLER: No, I don't.

8 INSPECTOR PIERUCCHI: You okay
9 [unintelligible]?

10 INSPECTOR ENGLER: I'm fine, thank you... just a
11 couple things to clear up. Um, the three subjects
12 that were observed... the subject that you saw in
13 front of [REDACTED] shooting, and then the two subjects
14 you later see on Fresno S- Street... that the shooter
15 was... it appeared they were getting together.

16 INSPECTOR NEWMAN: Yeah.

17 INSPECTOR ENGLER: I want to talk about that
18 moment when they were together, because... what I
19 want to talk about is... is the movement from that
20 point where, where you shot... and then um, anything
21 that you can recall about where the gun exchange
22 may have occurred. And so, so I want to slow this
23 down for a second. Okay? Um, because it's clear
24 that you saw... because you described it several
25 times, you were very focused on the [REDACTED] with the

1 gun. Is that accurate?

2 INSPECTOR NEWMAN: Yeah.

3 INSPECTOR ENGLER: Very focused on the [REDACTED]
4 with the gun.

5 INSPECTOR NEWMAN: Yes.

6 INSPECTOR ENGLER: And you were watching the
7 [REDACTED] with the gun. Is that accurate?

8 INSPECTOR NEWMAN: Yes.

9 INSPECTOR ENGLER: Okay. And you watched... and
10 you tracked the [REDACTED] with the gun into the location
11 where you, you ultimately engaged with [REDACTED] when it
12 was safe for you to do so.

13 INSPECTOR NEWMAN: Yes, sir.

14 INSPECTOR ENGLER: Okay. Did it occur to you
15 that that [REDACTED] with the gun was going to, to, to
16 meet up with two other people?

17 INSPECTOR NEWMAN: Yes.

18 INSPECTOR ENGLER: Okay. Did... can you describe
19 the actions of those two other people, and how
20 close they were to the [REDACTED] with the gun.

21 INSPECTOR NEWMAN: Well, I didn't... I saw... I
22 didn't see... when I looked down Fresno, there were
23 two. But I clearly remember... let's say the person
24 with the gun... [REDACTED] did that shuffle and [REDACTED] slowed
25 down because [REDACTED] was meeting up, catching up with

1 uh, one of the two that I later saw running down
2 the alley, down Fresno.

3 INSPECTOR ENGLER: When you, when you say,
4 "catching up," um... would ■ have had the
5 opportunity to hand the gun off at that point?

6 INSPECTOR NEWMAN: Absolutely. Clearly. It was
7 as if the person um, that was right next to the
8 person with the gun, where I gave the verbal order
9 to "Stop, police," um, it was as if that person
10 decided to wait. You know, ■ kind of slowed down.
11 It was ■ who slowed down, waiting for the shooter
12 to catch up. It wasn't the shooter directing that
13 ■ "hey wait for me." The other ■ slowed up.

14 INSPECTOR ENGLER: Okay. Was there, was there
15 the opportunity for you to observe, observe the
16 shooter's hands the entire time? Or is it possible
17 the shooter could have, uh, handed that gun off?

18 INSPECTOR NEWMAN: Joe, it was extremely
19 possible. It was extremely possible.

20 INSPECTOR ENGLER: That ■ could have handed
21 it off?

22 INSPECTOR NEWMAN: Yes, sir.

23 INSPECTOR ENGLER: Okay. And um, we won't draw
24 on this, but can you point on this map the area
25 that you believe that maybe that exchange could

1 have happened, or maybe we could bracket the... why
2 don't we bracket the area where that could have
3 happened.

4 INSPECTOR NEWMAN: Well, you know, Joe, I, uh,
5 last saw the person with the gun where I described
6 it right here at "C4." So, it would have to have
7 been there, because that [REDACTED] never... the person with
8 the gun never continued past there.

9 INSPECTOR ENGLER: So the person with the gun...

10 INSPECTOR NEWMAN: So the only place that that
11 tran... possible handoff with the weapon was right
12 here.

13 INSPECTOR ENGLER: Okay.

14 INSPECTOR NEWMAN: Was right there Joe.

15 INSPECTOR ENGLER: And that's... and that corner
16 that you are pointing to at the corner of...

17 INSPECTOR NEWMAN: Grant and Columbus.

18 INSPECTOR ENGLER: Grant and Columbus. Um...

19 INSPECTOR NEWMAN: Yes, sir.

20 INSPECTOR ENGLER: From where you were, did
21 the, did the suspect with the gun make that corner
22 where your, your vision could have been obscured at
23 some point for a moment?

24 INSPECTOR NEWMAN: Very quick. [REDACTED] did run
25 through other people. [REDACTED] did run through a crowd

1 and reappeared out. Yes.

2 INSPECTOR ENGLER: Okay. All right. So in your
3 mind, when you engage [REDACTED] later, you still believe
4 [REDACTED] has the gun?

5 INSPECTOR NEWMAN: Yes.

6 INSPECTOR ENGLER: Would that be accurate to
7 say?

8 INSPECTOR NEWMAN: Absolutely.

9 INSPECTOR ENGLER: Okay. And, so now,
10 believing [REDACTED] had a gun, could you, could you
11 actually describe the movement [REDACTED] did again...

12 INSPECTOR NEWMAN: Yeah.

13 INSPECTOR ENGLER: ...At the moment that you had
14 to...

15 INSPECTOR NEWMAN: Yeah. The person with the
16 gun was on the building side.

17 INSPECTOR ENGLER: Okay.

18 INSPECTOR NEWMAN: Um, the other person in the
19 blue... one of the two that I later saw run down
20 Folsom, was on the street side of the sidewalk. [REDACTED]
21 kind of slowed up. The other person... they... maybe if
22 you could just stand up Chris... you're... right like
23 this sir. This is the person in the blue, I'm the
24 shooter. It was like this.

25 INSPECTOR ENGLER: Okay.

1 INSPECTOR NEWMAN: It was like that. And when
2 I said, you know I identified myself, "police, drop
3 the fucking gun," it was like that. ■ turned on me
4 like that to look.

5 POA ATTORNEY: In ■ right hand it could
6 have... it could have been obscured by the second
7 person?

8 INSPECTOR NEWMAN: [unintelligible] the other
9 ■ hand was right here. It was like that. They
10 were interlocked.

11 INSPECTOR ENGLER: Okay. So... so what you just
12 demonstrated for the purposes of this tape...

13 INSPECTOR NEWMAN: It was so quick.

14 INSPECTOR ENGLER: What you did... let me do my
15 best to physically describe what you did. Um, the
16 one subject that continued up the hill towards
17 Romolo was in front of the ■ with the gun...

18 INSPECTOR NEWMAN: Yes.

19 INSPECTOR ENGLER: And almost side-by-side.

20 INSPECTOR NEWMAN: Yes.

21 INSPECTOR ENGLER: And the ■ who you had
22 previously seen with a gun then, from that
23 position, actually turned ■ shoulders and body
24 back towards you.

25 INSPECTOR NEWMAN: Yeah.

1 INSPECTOR ENGLER: That's accurate?
2 INSPECTOR NEWMAN: That's exactly what
3 happened.
4 INSPECTOR ENGLER: Okay, that's what I just...
5 POA ATTORNEY: And, and towards, and towards
6 the individual who was...
7 INSPECTOR NEWMAN: Yeah.
8 POA ATTORNEY: [REDACTED] for lack of a better work,
9 could have been passing the gun to... right?
10 INSPECTOR NEWMAN: There very well could have
11 been.
12 INSPECTOR ENGLER: Okay. I'm just trying to
13 understand that.
14 INSPECTOR NEWMAN: That's highly probable.
15 INSPECTOR ENGLER: Okay.
16 INSPECTOR NEWMAN: Absolutely.
17 INSPECTOR ENGLER: Okay. And, so... so after,
18 after firing the shot, um, would it be accurate to
19 say your attention was still on the person that
20 would have the gun?
21 INSPECTOR NEWMAN: My whole focus, at that
22 point in time, was that [REDACTED] that I saw shooting
23 those innocent people, randomly pulling that gun
24 out. And that was the person that I stayed locked
25 on, my vision was locked on [REDACTED]

1 INSPECTOR ENGLER: Okay. And that person who
2 your vision was locked on... you only had to fire one
3 time before this person decided to...

4 INSPECTOR NEWMAN: Comply with my verbal
5 orders.

6 INSPECTOR ENGLER: Okay. And can you show me
7 physically how... you showed me physically how [REDACTED]
8 body was, was... could you either describe or show me
9 what, what [REDACTED] did with [REDACTED] body at that point?

10 INSPECTOR NEWMAN: I [REDACTED] put [REDACTED] back up against
11 the wall... what I remember. And [REDACTED] kind of like sat...
12 [REDACTED] kind of like just sat down, got down... I think [REDACTED]
13 like got down on [REDACTED] knees.

14 INSPECTOR ENGLER: Okay.

15 INSPECTOR NEWMAN: You know, and I remember
16 the other officer at that time was a little
17 confusing and that's when I told the other officer,
18 "stay with [REDACTED]

19 INSPECTOR ENGLER: Okay.

20 INSPECTOR NEWMAN: I [REDACTED] wasn't cuffed yet, and I
21 wanted to go, you know, where the other two [REDACTED]
22 were at. You know, because I did a quick search,
23 and I didn't feel a gun. And I didn't see a gun on
24 the sidewalk. I'm thinking ambulance. I'm thinking
25 crime scene. I'm thinking give out their

1 description. I had no idea where that gun was at
2 that initial time.

3 INSPECTOR ENGLER: Okay.

4 INSPECTOR NEWMAN: Until...

5 INSPECTOR ENGLER: Now... I'm sorry, I didn't
6 mean to cut you off.

7 INSPECTOR NEWMAN: Until it was later found
8 uh, up there on the corner.

9 INSPECTOR ENGLER: Okay. Now, these two
10 subjects... the one in particular who [REDACTED] was almost
11 side-by-side with... how many seconds would you
12 estimate you were dealing with the [REDACTED] that you...
13 that, that you initially saw with the gun? How
14 long? Because you just described closing distance
15 with [REDACTED] doing a quick search, giving directions
16 to another officer. I know things were happening
17 very fast. What would your estimate of time be?

18 INSPECTOR NEWMAN: From what point in time are
19 you referring to?

20 INSPECTOR ENGLER: From the point of time
21 where [REDACTED] decided to comply at the wall, where you
22 could see [REDACTED] hands, and [REDACTED] was no longer a threat...

23 INSPECTOR NEWMAN: Yes.

24 INSPECTOR ENGLER: ...You, you still were
25 focused on that individual. You had to close space...

1 INSPECTOR NEWMAN: Yes.
2 INSPECTOR ENGLER: Correct?
3 INSPECTOR NEWMAN: That's right.
4 INSPECTOR ENGLER: That's what you said... you
5 did a weapons search..
6 INSPECTOR NEWMAN: I did a quick search.
7 INSPECTOR ENGLER: Okay. And then there's
8 another officer coming to your aid.
9 INSPECTOR NEWMAN: Yeah.
10 INSPECTOR ENGLER: Okay. I want to... my
11 question, and it's poorly worded... my question is,
12 how long were you engaged with that individual
13 before you were able to then disengage from the
14 individual and redirect..
15 INSPECTOR NEWMAN: Oh, I see.
16 INSPECTOR ENGLER: ...The people going up the
17 hill. There was a period of time that went by.
18 INSPECTOR NEWMAN: Yeah, there was.
19 INSPECTOR ENGLER: And, and, what I'm trying
20 to explain is why the person that was right next to
21 the person who originally had the gun, what I'm
22 trying to explain, and get some kind of idea of the
23 passage of time... I want to see how long you were
24 preoccupied with the [REDACTED] you originally thought had
25 the gun in order to figure out how far they could

1 have gotten up that hill.

2 INSPECTOR NEWMAN: Joe, by the time I went
3 hands on, and moved in... went hands on and did a
4 quick search around [REDACTED] waist, Officer [Nguyen] was
5 there. I gave [REDACTED]... it was no more than three
6 seconds is a long time... less than three...

7 INSPECTOR ENGLER: Okay.

8 INSPECTOR NEWMAN: And I went right up to
9 Fresno.

10 INSPECTOR ENGLER: Okay.

11 INSPECTOR PIERUCCHI: So it was still pretty
12 quick.

13 INSPECTOR NEWMAN: Very quick. And in between
14 that time, you know, after I looked down Fresno, I
15 remembered, you know, I've got to de-cock. My
16 hammer's back. This weapon is still a threat. So I
17 had to de-cock, secure my weapon, still ordering
18 ambulances, giving out descriptions, you know, it's
19 just a lot going on Joe.

20 INSPECTOR ENGLER: So now while you are making
21 these quick decisions, are you watching this
22 person... a, acquire more and more of the hill as
23 they are going up the hill?

24 INSPECTOR NEWMAN: Yes, sir... towards Romolo
25 Alley.

1 INSPECTOR ENGLER: Okay.

2 INSPECTOR NEWMAN: Yeah.

3 INSPECTOR ENGLER: And part of the directions
4 you're giving is... is...

5 INSPECTOR NEWMAN: Fresno towards Romolo.

6 INSPECTOR ENGLER: Okay. You putting out a
7 subject description?

8 INSPECTOR NEWMAN: About two, two individuals
9 running. I think I said dark clothing or something
10 to that effect.

11 INSPECTOR ENGLER: Okay. And I want to ask you
12 one more time about the original shooting because
13 this is an investigation to a 245 incident. Uh, the
14 [REDACTED] who actually shot those people out on the
15 street, um, in front of [REDACTED] Columbus. If you can,
16 can you describe... you, you use the word earlier, I
17 believe "indiscriminately" shooting.

18 INSPECTOR NEWMAN: Yes.

19 INSPECTOR ENGLER: But, but, I want you to
20 clarify what you mean by that, because I could
21 indiscriminately... kind of shoot the gun around this
22 room and hit nothing. Or, I could actually take a
23 moment to acquire targets.

24 INSPECTOR NEWMAN: Joe, [REDACTED] wasn't acquiring
25 moments to acquire targets. [REDACTED] was on [REDACTED] targets

1 fast. ■ was on that trigger very quick, very
2 quick. The whole thing was very fast.

3 INSPECTOR ENGLER: Okay. Uh...

4 INSPECTOR NEWMAN: ■ was going backwards as
5 ■ was shooting.

6 INSPECTOR ENGLER: Okay. So, so that's
7 important.

8 INSPECTOR NEWMAN: Yeah.

9 INSPECTOR ENGLER: So ■ ■ was physically...
10 that's uh...that's actually... very important. So, so
11 is ■ moving... back toward the gun?

12 INSPECTOR NEWMAN: ■ never stopped. It wasn't
13 like, you know, target shooting, take my time. ■
14 was moving backwards. ■ pulled that thing out. ■
15 was like boom, boom. I was like, "is that
16 fireworks? What the..." It's a gun. It was so fast
17 Joe.

18 INSPECTOR ENGLER: Now you, you, you actually
19 showed me two, two versions of shooting with the
20 gun. You showed me two hands together where you are
21 acquiring, and what you just showed me now is
22 something... you know a gun sideways. It...

23 INSPECTOR NEWMAN: ■ had... I'm doing what I'm
24 trained to do tactically.

25 INSPECTOR ENGLER: Okay.

1 INSPECTOR NEWMAN: But [REDACTED] had one hand out.
2 INSPECTOR ENGLER: So one hand out...
3 INSPECTOR NEWMAN: I saw one hand out.
4 INSPECTOR ENGLER: Did you see if it was [REDACTED]
5 right or [REDACTED] left?
6 INSPECTOR NEWMAN: I can be exact, but I
7 believe it was right hand.
8 INSPECTOR ENGLER: Okay. And...
9 INSPECTOR NEWMAN: I believe it was [REDACTED] right
10 hand Joe, but I can't be 100 percent.
11 INSPECTOR ENGLER: And did it look like [REDACTED] had
12 [REDACTED] whole...
13 INSPECTOR NEWMAN: Because people were walking
14 in front, and [REDACTED] was in a crowd reappearing out of
15 the crowd. It was just a lot of people.
16 INSPECTOR ENGLER: Right.
17 INSPECTOR NEWMAN: It was a lot of people.
18 INSPECTOR ENGLER: Right.
19 INSPECTOR NEWMAN: You know, my concern was
20 the gun, victims... and it was like "shit, I've got
21 react. I've got to do something." I wasn't looking
22 left-right hand, Joe.
23 INSPECTOR ENGLER: Sure. Sure. If you know.
24 INSPECTOR NEWMAN: No.
25 INSPECTOR ENGLER: Okay. But, does it stand

1 out in your mind that ■ did this, this turn?

2 INSPECTOR NEWMAN: Well, ■ was turning
3 because ■ was going from one person to another, to
4 another. That gun was... ■ was movin' it man... on the
5 trigger.

6 INSPECTOR ENGLER: Okay.

7 POA ATTORNEY: You... you had your hand
8 sideways. Do you remember if ■ had the gun
9 sideways or was ■ holding it this way, or do you
10 know?

11 INSPECTOR NEWMAN: I can't be exact.

12 POA ATTORNEY: Okay.

13 INSPECTOR NEWMAN: I saw the gun out. I don't
14 recall if ■ was sideways or not. But I saw ■
15 turning it, you know, sideways or straight, I can't
16 be exact on that.

17 POA ATTORNEY: But ■ was moving the gun as ■
18 was firing.

19 INSPECTOR NEWMAN: ■ was clearly moving the
20 gun as we was firing. Yes ■ was.

21 POA ATTORNEY: As if ■ were trying to hit
22 multiple targets within the crowd.

23 INSPECTOR NEWMAN: Yeah, yeah.

24 INSPECTOR ENGLER: Inspector, in, in your
25 vantage point, would you say the barrel was

1 parallel towards the crowd, or was it pointing up,
2 or could you tell?

3 INSPECTOR NEWMAN: Oh, it was definitely... well
4 it was a little bit of an incline with the street,
5 you know... and ■ came out so quick, ■, ■ didn't,
6 ■ didn't... what I refer to as tactical... ■ didn't
7 punch out... and I'm doing it two hands to be level.
8 ■ kind of was on that trigger low. ■ just was,
9 bam, bam, spraying and running.

10 INSPECTOR ENGLER: With the barrel pointed at
11 the crowd?

12 INSPECTOR NEWMAN: With ■ back towards Grant
13 Street... ■ face facing uh, Broadway. Back pedaling
14 and shooting.

15 INSPECTOR ENGLER: So, and, and really this
16 is, this is um... I, I, I don't have any further
17 questions, but, but this is more of admonition. Um,
18 uh, where we are in this investigation, is that, is
19 that we still have other police officers that we
20 need to interview. So, just like any other
21 investigation where, where we speak to a witness,
22 I'm, I'm going to ask you to refrain from...

23 INSPECTOR NEWMAN: I understand.

24 INSPECTOR ENGLER: ...Discussing what you
25 discussed with us...

1 INSPECTOR NEWMAN: No problem, Joe.

2 INSPECTOR ENGLER: ...With other officers. And
3 the reason being is we're, we're still uh, uh,
4 investigating this. We still have many officers
5 from the scene to speak to. So...

6 INSPECTOR NEWMAN: No problem. Whatever you
7 [REDACTED] need.

8 INSPECTOR ENGLER: ...So, yeah... so, so it's,
9 it's best for everybody involved, if you, if you
10 just refrain from, from that. Any statements that
11 you've given today, uh, uh, you have access to.
12 They are your statements, and uh we...

13 INSPECTOR NEWMAN: Can you please provide them
14 to uh, Chris?

15 INSPECTOR ENGLER: Sure. Yeah. We could, we
16 could...

17 INSPECTOR NEWMAN: POA Attorney
18 [unintelligible].

19 INSPECTOR ENGLER: [unintelligible] and also
20 you have a tape recorder on the table, so...

21 INSPECTOR NEWMAN: Okay.

22 POA ATTORNEY: Yes.

23 INSPECTOR ENGLER: So, I just want to let you
24 know that, that these are your statements, and...

25 INSPECTOR NEWMAN: No problem. Whatever you

1 need, however I can assist.

2 INSPECTOR ENGLER: Prior to, prior to
3 providing another statement, this statement can
4 also be made available to you.

5 INSPECTOR NEWMAN: Thank you.

6 INSPECTOR ENGLER: And, I don't, I don't have
7 any further questions. Does anybody else? We
8 covered a lot.

9 POA ATTORNEY: Um, no, I don't have anything
10 else. And while you were out of the room, I asked,
11 and I'll ask you again Inspector Newman, do you
12 have anything else that you feel like you want to
13 add?

14 INSPECTOR NEWMAN: No, I don't.

15 POA ATTORNEY: Okay.

16 INSPECTOR NEWMAN: Thank you for asking.

17 INSPECTOR ENGLER: Okay. So that, that
18 concludes the interview. It's, uh, 6:09 in the PM,
19 July 3rd, 2010. And let me turn off the tape
20 recorders. There's several.

21 END OF DOCUMENT

1 INSPECTOR ENGLER: Okay. The tape
2 recorders are on and this is an investigation into
3 an assault with an aggravated—an assault—an
4 aggravated assault with a gun, Case Number 100 609
5 942, which occurred on July 3rd, 2010, at
6 approximately 1:31 in the morning in the Central
7 District at [REDACTED] Columbus Street. I'm Inspector
8 Joseph Engler, Star 239, of the Homicide Detail.
9 With me is my partner...

10 INSPECTOR PIERUCCHI: Inspector Pierucchi,
11 1604.

12 INVESTIGATOR POSADA: Investigator Jim
13 Posada, DA Investigator Number 7044.

14 INSPECTOR ENGLER: Okay. Right now we're
15 talking with witness Sergeant Jon Kasper. Sergeant
16 Kasper, what's your Star Number?

17 SERGEANT KASPER: 68.

18 INSPECTOR ENGLER: Okay. Sergeant Kasper
19 what I'd—what I'd like to begin with is just to
20 explain our role in this and we are the Homicide
21 Detail and we do criminal investigations. So this
22 is a criminal investigation into the incident that
23 occurred last night at [REDACTED] Columbus Street and at
24 [REDACTED] Columbus Street there was an incident that you
25 were a witness to and we're going to ask you
26 questions about that incident and this is just like

1 any other investigation, okay. All right. So last
2 night, July 3rd, 2010, at 1:31 in the morning were
3 you on duty?

4 SERGEANT KASPER: Yes, I was.

5 INSPECTOR ENGLER: In what capacity?

6 SERGEANT KASPER: Plainclothes capacity in
7 an unmarked police vehicle, a Ford Taurus.

8 INSPECTOR ENGLER: You were in a Ford
9 Taurus. What color?

10 SERGEANT KASPER: I believe it was a
11 grayish color.

12 INSPECTOR ENGLER: Okay. And where are
13 you assigned right now?

14 SERGEANT KASPER: I'm assigned to Criminal
15 Investigation Unit, CIU.

16 INSPECTOR ENGLER: And what was your
17 assignment last night, what were your duties?

18 SERGEANT KASPER: We were on duty just
19 patrolling all areas of the city. A lot of times
20 when it's quiet and we're somewhat caught up we'll
21 go to the high crime areas where robberies occur,
22 where incidents occur and kind of patrol those
23 areas, and we were driving—we had just responded to
24 searching the area for a robbery suspects that
25 occurred—a robbery that had occurred earlier in the
26 I believe it was the Tenderloin or upper part of

1 the Tenderloin on Leavenworth and Pacific. So that
2 would be Central actually and we were looking for
3 that vehicle.

4 INSPECTOR ENGLER: So when you say we, who
5 are you working with?

6 SERGEANT KASPER: I was with Inspector
7 Newman.

8 INSPECTOR ENGLER: Inspector?

9 SERGEANT KASPER: Jay Newman.

10 INSPECTOR ENGLER: Jay Newman, okay. So
11 you were in the area near Columbus and Broadway, is
12 that accurate?

13 SERGEANT KASPER: Yes.

14 INSPECTOR ENGLER: Okay. And the reason
15 you're in that area?

16 SERGEANT KASPER: We were just on,
17 basically, patrol. Driving area.

18 INSPECTOR ENGLER: And what do you know
19 about that particular area on weekend nights?

20 SERGEANT KASPER: I know it's very busy.
21 I've taken shooting cases up there. I had one there
22 a couple weeks ago in front of the Hustler Club. I
23 worked when I was on the motorcycles in the
24 Violence Reduction Unit, we were up there every
25 weekend and there's a lot of gang activity. A lot
26 of individuals come in from out of town and cause a

1 lot of problems, fights, whatnot. Almost every time
2 I've been up there there's been an incident.

3 INSPECTOR ENGLER: So I understand your
4 duties now. Are you in an investigative position
5 now or are you in a patrol position?

6 SERGEANT KASPER: Investigative position.

7 INSPECTOR ENGLER: Okay. And what type of
8 investigations do you handle?

9 SERGEANT KASPER: Major crimes such as
10 robberies, primarily late-night robberies, anything
11 where there's great bodily injury. Mainly the major
12 cases.

13 INSPECTOR ENGLER: And your prior
14 knowledge of the area, the Columbus and Broadway
15 area, did that play into your way of thinking last
16 night for being where you were at 1:30 in the
17 morning last night?

18 SERGEANT KASPER: Yes.

19 INSPECTOR ENGLER: Okay. All right. So at
20 approximately 1:30 in the morning were you driving
21 that Ford Taurus?

22 SERGEANT KASPER: Yes, I was.

23 INSPECTOR ENGLER: And Inspector Newman
24 was he your front seat passenger?

25 SERGEANT KASPER: Correct.

1 INSPECTOR ENGLER: And an incident
2 occurred on the 300 block of Columbus. Can you tell
3 me where you were coming from at the time?

4 SERGEANT KASPER: We were coming
5 northbound Columbus from Broadway and right prior
6 to Grant, maybe three doors down from Grant on the
7 east side of the street, I think it's Little
8 Darlings strip club and there's a pizza place next
9 door to it, we were basically proceeding straight
10 which was northbound and we saw—or I saw—a group of
11 people kind of in a verbal argument. There's a lot
12 of yelling there's—it looked like there were some
13 girls that were trying to maybe break it up. I
14 heard a couple people—some people yelling Frisco. I
15 saw somebody give a gang sign. I can't mimic the
16 gang sign but I know it was a gang sign from past
17 experiences. It looked like an individual started
18 to walk away, a group of them started to walk a
19 little bit northbound. One of them was an
20 individual wearing a red baseball cap and a dark-
21 colored shirt, long-sleeved shirt, and all of a
22 sudden [REDACTED] pulled out a black firearm and started
23 firing southbound in the direction of southbound
24 Broadway—southbound Columbus towards Broadway. And
25 [REDACTED] was yelling and [REDACTED] had [REDACTED] arm extended, I
26 believe it was [REDACTED] right arm, and like I said [REDACTED]

1 was in a group and it looked like somebody was
2 pulling [REDACTED] as [REDACTED] was shooting. And we heard maybe
3 five to six shots. I mean, we could see the depth
4 of shots were coming from the gun.

5 INSPECTOR ENGLER: How could you see that?

6 SERGEANT KASPER: Because you could [REDACTED]—
7 the recoil, you could see like the flash. I mean,
8 we were 15 feet away if that, maybe. I believe at
9 that time Inspector Newman immediately put it out
10 on the air because he had his radio like attached
11 to his shirt with the microphone and I think at
12 that time Jay opened—Inspector Newman opened the
13 passenger door because it looked like the [REDACTED] even
14 looked right at us because people pointed out to
15 us. Because we—the Ford Taurus with us sitting in
16 the car, Jay with the radio, I think I even still
17 had my Star out because I was just at Tenderloin
18 Station. They knew we were the police and I believe
19 they really—the group knew we were the police
20 because we were basically parked, you know, we just
21 had observed them arguing. And—

22 INSPECTOR ENGLER: Can I ask you about
23 that group for a second. Why would this particular
24 group—I know North Beach is a busy area, is there
25 anything about this particular group, is there any
26 explanation why this particular group would be in

1 tune with plainclothes police officers in an
2 undercover car? Is there anything about this group
3 that would make them pay attention?

4 SERGEANT KASPER: Yeah, I believe with the
5 gang signs, somebody yelling Frisco like that with
6 the gang signs. One of the individuals had a red
7 belt hanging down, a cloth belt, like that I know
8 [REDACTED] wear, with the gang signs. Like I said, we
9 stopped. We were going to--well, I was thinking
10 about putting it out as a verbal, you know, as a
11 418 brewing. 418 meaning a fight brewing in front
12 of, or getting ready to start or whatever, in front
13 of the Little Darlings strip club. And I know that
14 a group of them looked at us and we were staring
15 right at them. And then the [REDACTED] started shooting
16 down the block and it looked like [REDACTED] was with a
17 group of about three or four and it looked like a
18 [REDACTED] in a black sweatshirt was putting them back as
19 [REDACTED] was shooting. And then [REDACTED] looked at us and then
20 started to run as Jay was getting out of the car,
21 started to run northbound Columbus and then made a
22 right which would be eastbound Grant. So I
23 proceeded straight to pursue [REDACTED] as Jay is putting
24 it out.

1 INSPECTOR ENGLER: So-so what we're
2 talking about, are you both still in your-in the
3 police car, in the unmarked car?

4 SERGEANT KASPER: Yes.

5 INSPECTOR ENGLER: Okay. And you're
6 driving?

7 SERGEANT KASPER: Yes.

8 INSPECTOR ENGLER: Okay. Now, the speed
9 limit on that block of Columbus I believe is 25
10 miles per hour, sometimes with traffic it's a
11 little slower. Are you driving with the flow of
12 traffic or are you driving a little bit slower so
13 you can make observations more in a law enforcement
14 capacity?

15 SERGEANT KASPER: I was watching where I
16 was going so I didn't run anybody over but I was
17 also to trying to see if this [REDACTED] was going to be
18 pointing the gun at us in [REDACTED] direction of travel
19 and I wanted to keep [REDACTED] in sight in case [REDACTED]
20 continued north or if [REDACTED] made that right which [REDACTED]
21 did.

22 INSPECTOR ENGLER: I guess my question was
23 probably poorly worded. Were you going-how fast
24 were you approximately going? 5 miles per hour, 10
25 miles per hour, 25 miles per hour? If you-

1 SERGEANT KASPER: I don't think I was able
2 to even reach 25 because by the time I hit that
3 corner and made the right turn we pretty much
4 stopped there so I don't think I ever went over 25.
5 I know I accelerated quickly to get around the
6 corner.

7 INSPECTOR ENGLER: Do you know if the
8 windows in the car were up or down?

9 SERGEANT KASPER: I believe my window was
10 down. I believe our windows were down.

11 INSPECTOR ENGLER: Could you—you said that
12 prior to seeing a gun and seeing any shots being
13 fired that it appeared that a fight was going to
14 start and you heard Frisco and—did you hear
15 anything else that would indicate any kind of
16 possible gang activity?

17 SERGEANT KASPER: I saw the gang sign and
18 it was a deliberate gang sign. It wasn't—it was the
19 curved, bent fingers.

20 INSPECTOR ENGLER: Did you see whose
21 benefit those were flashed for?

22 SERGEANT KASPER: No. I think it was the
23 individuals that got shot at, the people who were a
24 little bit further south. Because like I said the
25 shooter was—was—if you're facing Little Darlings
26 the shooter was to the left of Little Darlings and

1 the people that they were arguing with were to the
2 right, they were facing each other.

3 INSPECTOR ENGLER: Okay, so if you were to
4 the left are you farther up Columbus Avenue towards
5 Grant?

6 SERGEANT KASPER: Yes.

7 INSPECTOR ENGLER: Okay. And if you're to
8 the right you're actually closer to Broadway.

9 SERGEANT KASPER: Correct. As you're
10 facing Little Darlings.

11 INSPECTOR ENGLER: Okay. When-when you
12 first observed this gun I think you mentioned the
13 [REDACTED] had a red hat, is that correct?

14 SERGEANT KASPER: Yes.

15 INSPECTOR ENGLER: Okay, could you-could
16 you describe that person from head to toe as best
17 as you can recall.

18 SERGEANT KASPER: It was a red hat. The
19 height maybe [REDACTED] maybe. I mean, I really
20 wasn't paying attention to the height and the
21 weight. Somebody who was pulling [REDACTED] had a black
22 glove on. I believe that there-there was another
23 person that had a white sweater with a red belt
24 hanging down that was there. I'm sorry, I went off
25 track with your question.

26 INSPECTOR ENGLER: No, I-I-

1 SERGEANT KASPER: I'll try and describe
2 the [REDACTED] who had the gun.
3 INSPECTOR ENGLER: If you could do [REDACTED]
4 first.
5 SERGEANT KASPER: [REDACTED]-basically just the
6 red, the red hat and then the gun. That's pretty
7 much what I focused in on.
8 INSPECTOR ENGLER: Was there any kind of
9 insignia on that red hat if you know?
10 SERGEANT KASPER: At the time I did not
11 notice it, only after the arrest I noticed the
12 insignia.
13 INSPECTOR ENGLER: Okay. And when we get
14 to that point I'd like to ask you about it. Well,
15 why don't we ask it now. Later on when you make an
16 arrest the same [REDACTED] that you saw shooting in front
17 of the Little Darlings strip club is that-is that
18 the same [REDACTED] that was detained later around the
19 corner?
20 SERGEANT KASPER: [unintelligible]
21 INSPECTOR ENGLER: Did you have an
22 opportunity to see the same [REDACTED] who was shooting
23 with the gun, is that the same [REDACTED] later on you saw
24 arrested?
25 SERGEANT KASPER: Yeah, I'm almost 100
26 percent positive. I did lose sight of [REDACTED] as [REDACTED]

1 turned the corner because I was looking because
2 there's a bunch of foot traffic that crosses Grant
3 whether you're a police car or not people are
4 extremely drunk that walk up and down that block
5 and they don't--when I was on the motorcycles people
6 would run out in front of you all the time. So I
7 was kind of aware that, you know, I have to watch
8 out for the traffic as I you know went around the
9 corner. So I did lose sight of [REDACTED] for a minute.
10 But I saw [REDACTED] again and I recognized [REDACTED] as that
11 person and that's when I let Inspector Newman out.
12 Because I think Inspector Newman still had the door
13 open to the car.

14 INSPECTOR ENGLER: Let me roll back just
15 for a minute before we go forward. When you're
16 making your observations that there's about to be a
17 fight is there any conversation between you and
18 Inspector Newman at this time?

19 SERGEANT KASPER: No, it just--it was that
20 quick.

21 INSPECTOR ENGLER: In your estimation are
22 you both seeing the same thing?

23 SERGEANT KASPER: Yes, definitely.

24 INSPECTOR ENGLER: And did either of you
25 do anything to react to that like you driving, slow
26 down the car, or Inspector Newman go to his mic? Is

1 there anything that stands out in your mind that
2 you guys did in reaction to what you saw?

3 SERGEANT KASPER: I basically slowed down
4 and almost came to a complete stop. Because a lot
5 of times you see people kind of going out at just
6 your mere presence it separates them and that's why
7 I believe—I just, you know, just from my experience
8 these people knew we were cops.

9 INSPECTOR ENGLER: Okay, you had that
10 sense.

11 SERGEANT KASPER: I had the sense that
12 they knew we were police officers. Especially with—
13 I believe my Star was out the whole time since I
14 left Tenderloin because I went into Tenderloin to
15 change my battery and to get through the front door
16 the officers there didn't know us and I pulled out
17 my Star and I don't think I ever put it back in my
18 shirt because I don't remember pulling it out after
19 the incident but I had it out.

20 INSPECTOR ENGLER: And what—what were you
21 wearing last night?

22 SERGEANT KASPER: I was wearing a green
23 shirt, short-sleeved shirt, blue jeans and black
24 shoes. And I wear my Star draped around my neck.

25 INSPECTOR ENGLER: Is that your Star
26 there?

1 SERGEANT KASPER: On a chain around my
2 neck.
3 INSPECTOR ENGLER: Could you pull that out
4 and show us how you wear your Star?
5 SERGEANT KASPER: Like this.
6 INSPECTOR ENGLER: So would it—
7 SERGEANT KASPER: So it was out over my
8 outer garment.
9 INSPECTOR ENGLER: Okay. Just as it hangs
10 right now?
11 SERGEANT KASPER: Yes.
12 INSPECTOR ENGLER: Okay. And that's the
13 same chain you were wearing last night?
14 SERGEANT KASPER: Yes.
15 INSPECTOR ENGLER: Okay. So when you made
16 the observations of the [REDACTED] shooting how many shots
17 did you either hear or see or both?
18 SERGEANT KASPER: Anywhere between four,
19 five, or six. It was rapid-fired shots.
20 INSPECTOR ENGLER: Did you see anybody go
21 down?
22 SERGEANT KASPER: I didn't see anybody hit
23 but I saw people running and kind of scurrying away
24 but I did not see—I was more focused on [REDACTED] I
25 didn't look down the block, I just primarily
26 focused on the individual that was shooting.

1 INSPECTOR ENGLER: You said that there was
2 somebody that appeared to be pulling [REDACTED] What were
3 the movements of the shooter? Was the movement for
4 the—of the shooter towards the people [REDACTED] was
5 shooting or was [REDACTED] backing away or was [REDACTED] standing
6 still?

7 SERGEANT KASPER: It seemed like [REDACTED] was
8 backing up shooting with [REDACTED] arm extended and just
9 shooting down the block at the—at the group of
10 people.

11 INSPECTOR ENGLER: At the group near the
12 Little Darlings strip bar?

13 SERGEANT KASPER: Yes, yes. And it
14 appeared that the [REDACTED] that was later detained
15 wearing a black sweatshirt was pulling [REDACTED] back and
16 I remember the black glove. There was a black glove
17 on—on one of the individuals and I remember the
18 first thing I said was, you know, who's got the
19 black, you know, someone has black gloves on. And
20 this individual that was detained on Romolo Alley
21 had a black glove on and [REDACTED] told—[REDACTED] made a
22 spontaneous statement that [REDACTED] was running up Romolo
23 Alley but Sergeant Knight said that she detained
24 [REDACTED] as [REDACTED] was running down Romolo Alley which
25 Fresco crosses—if you were to go up Columbus, make
26 a right on Grant, then you make another right on

1 Fresno, you'd make another right on Romolo which
2 would put you back on Broadway.

3 INSPECTOR ENGLER: So it's a loop?

4 SERGEANT KASPER: Yes.

5 INSPECTOR ENGLER: So, again, we're moving
6 a little bit slower than just a straight narrative.
7 You, after seeing the shooting and seeing the [REDACTED]
8 with the gun, the [REDACTED] in the black sweatshirt
9 pulling the [REDACTED] with the gun away and up the hill--
10 is that accurate?

11 SERGEANT KASPER: Yes.

12 INSPECTOR ENGLER: And you saw another [REDACTED]
13 with a white-colored top, is that accurate or?

14 SERGEANT KASPER: Yeah, a white-colored
15 top, kind of [REDACTED], [REDACTED]
16 possibly, and [REDACTED] had the--the belt is the main thing
17 that stuck out. [REDACTED] had a red cloth belt, cotton
18 belt I guess.

19 INSPECTOR ENGLER: And was [REDACTED] too moving
20 up the hill or was [REDACTED] standing still, if you know?

21 SERGEANT KASPER: [REDACTED] was standing still,
22 pretty much, and I believe the individual that did
23 the gang sign was [REDACTED].

24 INSPECTOR ENGLER: So as you observe the
25 men now moving towards--the shooting is over, okay.
26 By the way, real quickly, you did something with

1 your hand when you explained the shooting and you
2 turned your hand to the side. Is that just
3 demonstrative or did you see the way the [REDACTED] shot
4 the gun?

5 SERGEANT KASPER: [REDACTED] wasn't—[REDACTED] wasn't
6 really taking aim like, you know, like shooting at
7 a target. It seemed like [REDACTED] had it canted and [REDACTED]
8 was just shooting down the block. It didn't seem
9 like [REDACTED] was—had set targets in mind, like [REDACTED] was
10 shooting at a group kind of.

11 INSPECTOR ENGLER: Did you hear [REDACTED] say
12 anything or did it appear [REDACTED] mouth was moving?

13 SERGEANT KASPER: I couldn't—I don't
14 remember, I didn't pick up on that.

15 INSPECTOR ENGLER: Okay. So you witnessed
16 the shooting, you see the [REDACTED] in the black top
17 pulling [REDACTED] up towards Grant. When [REDACTED] starts
18 getting [REDACTED] arm pulled on is that—was [REDACTED] pulling on
19 [REDACTED] arm to pull [REDACTED] up?

20 SERGEANT KASPER: I can't tell if [REDACTED] was
21 pulling on [REDACTED] arm. I wasn't sure if [REDACTED] had [REDACTED] arm
22 around [REDACTED] It was like maybe like let's go, let's
23 get out of here type of thing.

24 INSPECTOR ENGLER: IS that what you
25 thought was going on?

1 SERGEANT KASPER: That's kind of what I
2 thought. It was more like hey let's, you know,
3 let's get out of here, the police.
4 INSPECTOR ENGLER: Okay, and then what did
5 the [REDACTED] with the gun do then?
6 SERGEANT KASPER: [REDACTED] looked at us and took
7 off running it would only be two buildings maybe,
8 northbound Columbus to eastbound Grant.
9 INSPECTOR ENGLER: From-from?
10 SERGEANT KASPER: Little Darlings.
11 INSPECTOR ENGLER: From Little Darlings to
12 Grant did you maintain a visual? Could you see both
13 men for a period of time?
14 SERGEANT KASPER: I mainly kept my eye on
15 the red hat and [REDACTED] made the corner, I was looking
16 around. I don't think Jay and I said anything-Jay
17 was putting it out at that point I believe.
18 INSPECTOR ENGLER: So you guys didn't talk
19 to one another, you just-
20 SERGEANT KASPER: No, it was-there was no
21 time, [REDACTED] took off running, you know, I accelerated,
22 made the right turn, and I didn't see [REDACTED] up the
23 block anymore, the red hat. I saw [REDACTED] probably 15
24 feet from the corner of Grant and Columbus and Jay
25 still-Inspector Newman still had the door open and
26 he got out so I went forward to cut off [REDACTED] avenue

1 of escape in case Jay ended up behind [REDACTED] And then
2 that's when I heard—I heard, I thought I heard two
3 shots.

4 INSPECTOR ENGLER: Okay.

5 SERGEANT KASPER: It was, you know, it
6 could have been one. I believed it was two. I
7 thought it might have been two. And that's why I
8 was—I didn't know if [REDACTED] was shooting at us or what
9 had happened.

10 INSPECTOR ENGLER: Now, when Inspector
11 Newman got out of the car did you hear—did you ever
12 hear [REDACTED] say anything?

13 SERGEANT KASPER: Yeah, he was saying
14 "police, drop the gun." He said that as like—right
15 after the probably the last shot the [REDACTED] fired on
16 Columbus. He was yelling "drop the gun, drop the
17 gun."

18 INSPECTOR ENGLER: And was that from the
19 car?

20 SERGEANT KASPER: From the car.

21 INSPECTOR ENGLER: And if you know was his
22 window down?

23 SERGEANT KASPER: I'm almost positive his
24 window was down because we—we commonly—I mean, I've
25 only been working with [REDACTED] a couple weeks but
26 [unintelligible]. I'm almost positive the windows

1 were down. It was a beautiful night and we were
2 commenting on that.

3 INSPECTOR ENGLER: How is the lighting
4 right there where the shooting took place? Was
5 there adequate lighting to see colors and-and?

6 SERGEANT KASPER: Yes. And we were so
7 close, I mean even if it was dark I believe we
8 would have seen colors. If it was real dark-I mean,
9 there was a lot of people, you know, intermingling,
10 bars were just starting to kind of let out. You
11 know, people were kind of making their way to the
12 taxicabs and everything so there was a lot of
13 people.

14 INSPECTOR ENGLER: When you made that
15 corner of Columbus and Grant and you took the right
16 turn for any period of time did you lose sight of
17 the [REDACTED] that had the gun? You personally?

18 SERGEANT KASPER: Yes.

19 INSPECTOR ENGLER: Okay. And for how long
20 would you estimate you lost sight of [REDACTED]

21 SERGEANT KASPER: Just a matter of a
22 couple seconds. And it was because I was looking to
23 see where [REDACTED] was, I was looking to see where other
24 people were, trying to get directions of travel and
25 it was just a couple of seconds and then I picked-
26 you know, I saw [REDACTED] again, who I believed was [REDACTED]

1 and that's when Inspector Newman got out of the
2 car.

3 INSPECTOR ENGLER: He got out of the car.

4 SERGEANT KASPER: Yes.

5 INSPECTOR ENGLER: And was that just past
6 your making the turn on Grant and—actually, on
7 Columbus and Grant?

8 SERGEANT KASPER: Yeah, it was probably
9 two car-lengths, two or three cars lengths.

10 INSPECTOR ENGLER: All right. When
11 Inspector Newman got out of the car were you able
12 to maintain a visual on your partner when he got
13 out of the car? Was there a period of time when you
14 guys also lost—

15 SERGEANT KASPER: I did—I did lose a
16 little bit of sight with [REDACTED] I think [REDACTED] ran
17 between two cars because there was cars parked all
18 the way up Grant Street. I remember there was a
19 black car which belonged to a pizza delivery person
20 from the pizza place which is just to the north of
21 Little Darlings and I think Inspector Newman went
22 between those cars and that's when I heard the
23 shots. And what I was doing was going to cut off
24 the suspect's avenue of approach—or avenue or
25 escape—at Fresno. And—

1 INSPECTOR ENGLER: So if the suspect was
2 on the sidewalk was it your intention to try to get
3 out in front of [REDACTED] so you—

4 SERGEANT KASPER: Yes, so that we—so that
5 Inspector Newman would have [REDACTED]

6 INSPECTOR ENGLER: End up on Fresno?

7 SERGEANT KASPER: I would end up ahead of
8 [REDACTED] on Fresno so if [REDACTED] were to turn back around the
9 other way Inspector Newman would catch [REDACTED] If [REDACTED]
10 continued to run up Fresno I'd have a head start on
11 [REDACTED] and I'd be able to get [REDACTED] there. And at this
12 time there was officers coming because like I said
13 Inspector Newman put it out right away.

14 INSPECTOR ENGLER: Okay. This subject,
15 when you saw [REDACTED] now on Grant could you still see
16 the gun?

17 SERGEANT KASPER: No. No.

18 INSPECTOR ENGLER: Could you see that
19 subject with any other subjects that you'd seen
20 earlier?

21 SERGEANT KASPER: No, I just saw a bunch
22 of people running. At which point? I'm sorry, which
23 point did I see them?

24 INSPECTOR ENGLER: On Grant. You made the
25 corner from Columbus. You've made that slight
26 right onto Grant. You've re-acquired where the

1 subject with the red hat is. Inspector Newman is
2 out of the car and now you saw people are running.

3 SERGEANT KASPER: Correct. Because people
4 were coming out of that bar which is right at
5 Fresno and Grant. I don't know the name of the bar
6 but it's on the--the south side of Grant at Fresno,
7 southeast corner.

8 INSPECTOR ENGLER: Do you--when you re-
9 acquire this [REDACTED] with the red hat who you saw with
10 the gun earlier. It's true, you didn't see [REDACTED] with
11 the gun any longer, is that right?

12 SERGEANT KASPER: No, not when I--not after
13 [REDACTED] turned the corner.

14 INSPECTOR ENGLER: Okay. Could you see the
15 position of Inspector Newman at the time Inspector
16 Newman had to engage [REDACTED] with his gun?

17 SERGEANT KASPER: No. I'm sorry, you've
18 got to repeat that, I lost you there.

19 INSPECTOR ENGLER: Yeah, it was a little
20 jumbled on my end. It's my fault. So did you see
21 the shooting happen?

22 SERGEANT KASPER: No, no I did not.

23 INSPECTOR ENGLER: Okay. And the reason
24 you could not see the shooting was what?

25 SERGEANT KASPER: Because I dropped
26 Inspector Newman off and then went forward and then

1 slightly to the right to cut off [REDACTED] avenue of
2 approach and as I was doing that that's when I
3 heard the shots—or the shot.

4 INSPECTOR ENGLER: So when you heard a
5 shot, one or two shots, what did you do?

6 SERGEANT KASPER: I got out of the car and
7 ran—I don't know if I ran behind my car or in front
8 of the car, and I saw Inspector Newman coming
9 towards me and that's when I heard [REDACTED] saying going
10 down Fresno. And I was kind of confused because I
11 saw the [REDACTED] in the red hat there and then I took
12 the [REDACTED] in the red hat down to the ground and I'm
13 like where's the gun? And Jay said [REDACTED] passed it
14 off. Inspector Newman said [REDACTED] passed it off.

15 INSPECTOR ENGLER: So at that moment do
16 you know whether or not Inspector Newman had
17 actually had a moment to do some kind of search?

18 SERGEANT KASPER: I did not know. I was
19 asking—you know, I was going to do the search. I
20 was wondering like why did, you know, why isn't
21 this [REDACTED] in handcuffs yet or—and I didn't know who
22 shot the gun. I thought it was another, maybe
23 somebody was chasing this [REDACTED] I had no idea that
24 Inspector Newman shot at that time until he put it
25 out on the air that it was an officer involved
26 shooting.

1 INSPECTOR ENGLER: Did you put this
2 subject in the red hat into handcuffs?

3 SERGEANT KASPER: Yes, I did.

4 INSPECTOR ENGLER: They were your
5 handcuffs?

6 SERGEANT KASPER: They were my handcuffs
7 and at the time I--when somebody gave me back my
8 handcuffs I didn't remember that I had put [REDACTED] in
9 handcuffs. It was no until after, I was like oh,
10 yeah, I did cuff [REDACTED] handcuff [REDACTED] there.

11 INSPECTOR ENGLER: Do you recall if you
12 searched the subject for a gun?

13 SERGEANT KASPER: I think I did a quick
14 search but another officer showed up and I had them
15 sit with [REDACTED] because then Inspector Newman was
16 saying the [REDACTED] went down Fresno so I was going to
17 try to help [REDACTED] and I wanted to get out about the
18 [REDACTED] about the red--the red belt, because that was a,
19 you know, it stuck out that was a discernible
20 description and then that's where I saw the gun at
21 the corner of Fresno and Grant.

22 INSPECTOR ENGLER: About how far from the
23 subject--where the subject was detained and put in
24 handcuffs by you, how far away was that gun from
25 where you handcuffed [REDACTED]

1 SERGEANT KASPER: Three car lengths maybe.
2 And at that time it didn't make sense to me until,
3 you know, I heard that [REDACTED] had handed off the gun
4 and then somebody ran down Fresno.

5 INSPECTOR ENGLER: Where did you hear
6 that?

7 SERGEANT KASPER: Well, when--when I was
8 asking that suspect real quick. I mean this all--you
9 know, please remember this happened very, very
10 quickly and I was like where's the gun, you know,
11 like trying to get it from the suspect with the red
12 hat and then when I think it was Inspector Newman
13 said [REDACTED] handed it off and then that made sense to
14 me why the gun was up the block.

15 INSPECTOR ENGLER: Did the subject tell
16 you that--if you know--tell you or Inspector Newman
17 that [REDACTED] handed it off?

18 SERGEANT KASPER: No, [REDACTED] didn't say
19 anything. And like I said I didn't talk to [REDACTED] I
20 handed--somebody else took custody of [REDACTED] and I
21 don't know who that was.

22 INSPECTOR ENGLER: When you were told that
23 the gun was handed off, then what did you do?

24 SERGEANT KASPER: I went into that bar
25 real quick to see if anybody had ran in there and

1 then when I came out of the bar I looked down and
2 the gun was there.

3 INSPECTOR ENGLER: The bar on the corner,
4 is that The Saloon?

5 SERGEANT KASPER: Yeah, I believe it's The
6 Saloon.

7 INSPECTOR ENGLER: And you went inside and
8 for what purpose?

9 SERGEANT KASPER: Just so see if anybody
10 ran in there and I asked did anybody run in here
11 and somebody said [REDACTED] did, referring to an [REDACTED] [REDACTED]
12 that is like the [REDACTED] there. [REDACTED]'s been there
13 forever. [REDACTED]'s been there as long as I've been
14 working up there and [REDACTED] said nobody had run in
15 there.

16 INSPECTOR ENGLER: Is [REDACTED] known to you?

17 SERGEANT KASPER: Not by name but I've
18 had-

19 INSPECTOR ENGLER: [REDACTED] the [REDACTED]
20 you're familiar with [REDACTED]

21 SERGEANT KASPER: I've had take-ons there
22 and everything and we're cordial with each other--
23 when I was on the motorcycles and I've never known
24 [REDACTED] to be anybody who would dissuade us or anything
25 like that.

1 INSPECTOR ENGLER: So from the front steps
2 of The Saloon, that bar on the corner, if you were
3 to look up to the apex of the hill, is that Fresno
4 that we're talking about?

5 SERGEANT KASPER: Yes.

6 INSPECTOR ENGLER: If you were to look up
7 did you see any subjects at the top of that hill?

8 SERGEANT KASPER: No. I mean, there was
9 people walking but I didn't think that they were
10 suspects. I was told or I overheard on the air that
11 I think it was Sergeant Knight had detained two
12 people on Romolo Alley.

13 INSPECTOR ENGLER: Now, now—is there
14 anything—why don't you describe what else you did
15 at this point.

16 SERGEANT KASPER: Well, when I came out of
17 the—out of the bar after seeing if anyone had run
18 in there, that's when I saw the gun on the corner.
19 I was almost—it's a very narrow alley and the gun
20 was like—it was actually on Fresno just off of
21 Grant, across the street from the entrance of the
22 bar.

23 INSPECTOR ENGLER: All right. Did you—was
24 anyone else near the gun?

25 SERGEANT KASPER: No. I—I looked at it and
26 I stood over the top of it. I had another unit come

1 to stand over the top of it or stand near it to
2 secure it. I told them you know don't touch it, the
3 hammer was back on it, I advised [REDACTED] that the
4 hammer was back meaning that it had just been fired
5 and cycled, so the slide was not locked back. So
6 there—I believe that there was probably another
7 round in the chamber the way that the gun was at
8 rest. And then I went back the suspect that I had
9 detained.

10 INSPECTOR ENGLER: Is that the [REDACTED] in the
11 red hat?

12 SERGEANT KASPER: The [REDACTED] in the red hat
13 and told the officers to bag [REDACTED] hands and then I
14 went and did a cold show with Sergeant Knight on
15 the individuals on Romolo Alley.

16 INSPECTOR ENGLER: So up on Romolo Alley
17 how many subjects were detained?

18 SERGEANT KASPER: There was two.

19 INSPECTOR ENGLER: And you had an
20 opportunity to look at them?

21 SERGEANT KASPER: Yes.

22 INSPECTOR ENGLER: Were either of those
23 subjects involved with what happened in front of
24 that [REDACTED] or [REDACTED] Columbus Street, Little Darlings?

25 SERGEANT KASPER: The one in the black
26 sweatshirt with the glove, I believe they took the

1 glove off and threw it in an evidence bag for GSR,
2 but [REDACTED] had a glove on [REDACTED] left hand I believe. [REDACTED]
3 looked like the [REDACTED] to me that was pulling the
4 person in the red hat away.

5 INSPECTOR ENGLER: Okay. When you went up
6 there for the cold show did they--did they say
7 anything to you, did you hear them talk to one
8 another or is there anything significant about when
9 you were up there?

10 SERGEANT KASPER: Yes. [REDACTED] kind of became
11 verbally abusive.

12 INSPECTOR ENGLER: Which [REDACTED]

13 SERGEANT KASPER: The [REDACTED] in the black
14 sweatshirt. [REDACTED] was real defensive about it. [REDACTED] said
15 I got shot at and I came from up the block. I don't
16 remember [REDACTED] exact--excuse me--[REDACTED] exact words but [REDACTED]
17 was saying [REDACTED] ran up Romolo Alley which I didn't--
18 which didn't make sense because I thought [REDACTED] was
19 the one that was pulling [REDACTED] back and then ran up
20 the block. But Sergeant Knight said that she
21 detained [REDACTED] as [REDACTED] was running down Romolo Alley.

22 INSPECTOR ENGLER: Down Romolo Alley in
23 what direction?

24 SERGEANT KASPER: Towards Broadway which
25 would be the direction you would run if you were
26 say running around the block from Little Darlings

1 up Fresno right on Fresno, right on Romolo, back
2 down to Broadway. If ■ was running up Broadway, if
3 ■ was in fact running up Broadway you know I would
4 tend to believe that ■ was one of the group that
5 was getting shot at and maybe ran, you know, down
6 Columbus, left on Broadway and then up Romolo.

7 INSPECTOR ENGLER: So, if I understand you
8 correctly, okay, based on your knowledge of the
9 area and just a little bit of common sense from
10 what you were told by another officer it seemed
11 that the subject was running away from where you
12 and Inspector Newman were—or at least engaged the
13 ■ in the red hat. They would have been running
14 away from that location by going up Fresno and down
15 Romolo towards Broadway.

16 SERGEANT KASPER: Yeah, the group that was
17 doing that shooting would have run up Columbus and
18 if—and then up Fresno and then—and then would have
19 went down Romolo. They wouldn't have run—I don't
20 believe that they would have ran down after doing
21 the shooting, moving backwards, then turn around
22 and run forward down the direction that they were
23 shooting and then that way.

24 INSPECTOR ENGLER: Right. So—

25 SERGEANT KASPER: Does that make sense?

1 INSPECTOR ENGLER: What it sounds like to
2 me is they were doing exactly the opposite—if they
3 were not involved they were doing the opposite of
4 what you would expect.

5 SERGEANT KASPER: Correct.

6 INSPECTOR ENGLER: And what you would
7 expect would be they would—they would—if they were
8 innocently involved they would, well check that—if
9 they'd been engaged in the conduct with the gun
10 they'd be trying to get away from where you were.

11 SERGEANT KASPER: Correct.

12 INSPECTOR ENGLER: And based on what
13 Sergeant Knight saw they actually in fact were
14 running away from where you were.

15 SERGEANT KASPER: Correct.

16 INSPECTOR ENGLER: Okay. And that would be
17 by going up Fresno and down Romolo which would take
18 them—it's the quickest path away from where they
19 were.

20 SERGEANT KASPER: Yeah, it's instead of
21 running on a main street where all the cops are
22 coming you know you take the side streets.

23 INSPECTOR ENGLER: Okay. I'm going to let
24 Inspector Pierucchi ask a couple questions.

25 INSPECTOR PIERUCCHI: I have a little map
26 here.

1 SERGEANT KASPER: Okay.

2 INSPECTOR PIERUCCHI: If you could just do
3 me a favor and tell me Jon, I'll give you this pen
4 here, just show me—you guys are, you and Jay are
5 driving on Broadway, is that correct?

6 SERGEANT KASPER: No, we're on Columbus. I
7 don't know if we came off of Broadway or we came
8 from—we were coming from the Tenderloin area so I
9 believe we're coming from Columbus.

10 INSPECTOR PIERUCCHI: This will probably
11 work better on that piece of paper. All right, so
12 you guys were coming up Columbus.

13 SERGEANT KASPER: Uh-huh.

14 INSPECTOR PIERUCCHI: And just go ahead
15 and explain, you guys were coming up Columbus,
16 you're driving and you see certain things, right.
17 So you just drew a box here.

18 SERGEANT KASPER: I'm going to call this
19 Little Darlings, or this Little Darlings. This box—
20 I have two boxes here and this would be the pizza
21 place. I saw the—we were parked—I think there was a
22 car parked right here, directly there, and we were—
23 we would be almost double-parked.

24 INSPECTOR PIERUCCHI: Okay. So as you came
25 around the corner you're—you're driving that's
26 northbound?

1 SERGEANT KASPER: Yes. I don't even want
2 to say around the corner. As I was coming up
3 Columbus Street.

4 INSPECTOR PIERUCCHI: Okay, that's fine.
5 So you were coming up Columbus and you were going
6 northbound, correct.

7 SERGEANT KASPER: Correct.

8 INSPECTOR PIERUCCHI: Then you saw
9 something happening in front of these two
10 establishments.

11 SERGEANT KASPER: The verbal altercation.
12 And we stopped or I slowed almost to a stop.

13 INSPECTOR PIERUCCHI: Okay, okay. So what
14 did you see from there?

15 SERGEANT KASPER: That's when I saw who I
16 believe the individual in the red hat out of the
17 group pulled out a gun. I didn't see even where ■
18 got the gun from. It was—it just happened quick.
19 All of a sudden the gun's out and ■ starts
20 shooting.

21 INSPECTOR PIERUCCHI: Okay, so you didn't
22 see where ■ got it from. All of a sudden you saw
23 it out and extended?

24 SERGEANT KASPER: Yes.

25 INSPECTOR PIERUCCHI: Is that what you
26 saw?

1 SERGEANT KASPER: Yes.

2 INSPECTOR PIERUCCHI: Okay. So at that
3 point what were you feeling?

4 SERGEANT KASPER: I just—it was one of
5 those things I couldn't believe what I was seeing.
6 I mean, it was so—I mean, there's a ton of people
7 there, I mean there's cops that are—they have cops
8 detailed to it. There's not, I don't think five
9 minutes goes by when there's not a police car or
10 two driving up Columbus. And ■ looked at us when
11 ■ did it like—people were looking at us. I didn't
12 hear specifically saying cops are right there but
13 you know ■ knew, ■ looked—■ looked and I think
14 that's what stopped ■ from continuing to fire all
15 those rounds.

16 INSPECTOR PIERUCCHI: Okay. So at that
17 point ■ had started firing?

18 SERGEANT KASPER: Yes, within the group of
19 people ■ was with.

20 INSPECTOR PIERUCCHI: Okay. And ■ was
21 firing in the direction of Broadway?

22 SERGEANT KASPER: Down Columbus Street.

23 INSPECTOR PIERUCCHI: Okay, all right.

24 SERGEANT KASPER: On the sidewalk.

25 INSPECTOR PIERUCCHI: On the sidewalk in
26 front of?

1 SERGEANT KASPER: It would be almost in
2 front of the pizza place.

3 INSPECTOR PIERUCCHI: Okay, in front of
4 the pizza place, okay.

5 SERGEANT KASPER: Yeah. And I remember,
6 you know, I think at that time I did have my
7 firearm out and as [REDACTED] firing there was no way
8 that I could safely engage [REDACTED] or—you know, I think
9 at that time Jay was saying drop the gun, there's
10 no way that I was going to be able to take a shot
11 at [REDACTED] because I would have had to shoot across
12 Jay, Inspector Newman, and also that pizza place
13 was crowded and there was—it was just—it wasn't a
14 safe, you know, thing to do. So we couldn't, I
15 guess what's the word I'm looking for—deal with [REDACTED]
16 at that, you know, get [REDACTED] to you know stop the
17 threat at that time.

18 INSPECTOR PIERUCCHI: So as you were
19 thinking this did you continue to drive and were
20 you still looking at [REDACTED]

21 SERGEANT KASPER: Well, [REDACTED]—there was a
22 bunch of people there. [REDACTED] started to run, they
23 started to run, the group of them started to run.

24 INSPECTOR PIERUCCHI: Group of them, okay.
25 How many would you say were in that group?

1 SERGEANT KASPER: I don't know, four or
2 five maybe. Three maybe. Like I said, I was just
3 really focusing on the red hat.

4 INSPECTOR PIERUCCHI: On the [REDACTED] with the
5 red hat, okay. So the [REDACTED] with the red had ends up
6 where and where were you?

7 SERGEANT KASPER: [REDACTED] turned the corner and
8 I turned the corner and like I said Grant, a lot
9 of-Grant, a lot of traffic, people coming and
10 crossing this street. And then I saw [REDACTED] kind of
11 by these two cars. There was a black car and
12 another car. I think that's also part of the pizza
13 place or it's another restaurant. It's just two car
14 lengths on Grant from Columbus.

15 INSPECTOR PIERUCCHI: Okay.

16 SERGEANT KASPER: And that's when
17 Inspector Newman got out of the car. See this-
18 according to this map Grant Street looks way too
19 long for, you know, because Fresno is right there.

20 INSPECTOR PIERUCCHI: Right, right.

21 SERGEANT KASPER: You know what I mean,
22 it's almost like two buildings, you know what I'm
23 saying. So I pulled up, so here's where Jay gets
24 out of the car. I'm messing up your map here.

1 INSPECTOR PIERUCCHI: Did he get out of
2 the car here? This is Columbus, did he get out
3 anywhere around here?

4 SERGEANT KASPER: No. It was on Grant but
5 the door was open because I think he started to get
6 out of the car here and the door stayed open and I
7 just went around the corner real quick.

8 INSPECTOR PIERUCCHI: Okay, all right.

9 SERGEANT KASPER: And he got out and I
10 pulled in like this so if he continued this way I'd
11 have [REDACTED] here if [REDACTED] ran back Jay would have [REDACTED]
12 here and he'd be boxed in. And then as I was pulled
13 out that's when I heard what I thought was two
14 shots and then I got out of the car and made it
15 down and Jay kind of passed me and was saying-
16 running down Fresno, I remember seeing [REDACTED] running
17 down Fresno and I was like who are you talking
18 about, [REDACTED] right there. And that's when I took [REDACTED]
19 down to the ground and I went where's the gun. Jay
20 came back and he's like [REDACTED] passed it off. And it
21 wasn't until after I was like that second shot I
22 wonder if-because I-I know that there was a hole in
23 the building, a bullet hole in the building over
24 here somewhere, I was like I wonder if when the [REDACTED]
25 handed off the gun that was that second shot that
26 hit [REDACTED] show. But I'm not even 100 percent positive

1 if it was two shots. Because I wasn't even sure—I
2 can't even remember if [REDACTED] was shooting as [REDACTED] turned
3 that corner. I'm not, it's just—

4 INSPECTOR PIERUCCHI: Whatever you
5 remember. So you saw the hole in the building there
6 and you're thinking that the hole in this
7 individual's shoe was from a ricochet, that's what
8 you're thinking, off the building?

9 SERGEANT KASPER: No, that's not what I'm
10 thinking. It wasn't until like you know minutes
11 after this or even you know 15 minutes after this,
12 after I saw the hole I was thinking okay if I did—
13 if it was the second shot that I heard one of them
14 was Inspector Newman's that went into the building
15 and then the other shot was when the suspect handed
16 off the gun and maybe the gun went off and then it
17 shot that [REDACTED] shoe.

18 INSPECTOR PIERUCCHI: Okay, got it, got
19 it, I understand.

20 INSPECTOR ENGLER: And how do you know the
21 [REDACTED] shoe was shot. Did you [unintelligible]

22 SERGEANT KASPER: Because I saw it. [REDACTED]
23 said—[REDACTED] said it down there, [REDACTED] goes look I got shot
24 in the shoe. Someone said that [REDACTED] was shot in the
25 foot and then I heard it on the air like no, [REDACTED]
26 not shot in the foot, the bullet just went through

1 ■■■■ shoe. And I remember the shoe was off of ■■■■
2 down there and I could see it looked like a bullet
3 hole or rip in ■■■■ shoe and ■■■■ said that ■■■■ told
4 me ■■■■ got shot in the shoe and I was like oh, I
5 wonder if that was that second shot then that I
6 thought I heard or heard.

7 INSPECTOR PIERUCCHI: Is this the same ■■■■
8 that you were seeing with the glove?

9 SERGEANT KASPER: Yeah, because I saw a
10 ■■■■ with a glove—I'm not sure if it was—I saw a ■■■■
11 with a glove, I saw a ■■■■ with a black sweatshirt
12 and I remember when I went down there where's the—
13 this ■■■■ got to have a—should have a glove on. ■■■■
14 had a glove on or gloves on. ■■■■ had one glove on.

15 INSPECTOR PIERUCCHI: And when did you see
16 that ■■■■ had a glove on? Was that at the top of
17 Romolo where ■■■■ was detained?

18 SERGEANT KASPER: Yeah, it was actually
19 mid-block on Romolo.

20 INSPECTOR PIERUCCHI: Mid-block Romolo
21 between—

22 SERGEANT KASPER: Between Fresno and
23 Broadway.

24 INSPECTOR PIERUCCHI: Somewhere right here
25 somewhere?

1 SERGEANT KASPER: Yeah, it would be
2 against this building line right up here. They were
3 detained here.

4 INSPECTOR PIERUCCHI: Okay. And across the
5 street is what here on Fresno?

6 SERGEANT KASPER: I think it's a hotel.
7 Oh, on Fresno?

8 INSPECTOR PIERUCCHI: Yeah.

9 SERGEANT KASPER: It's a parking lot.

10 INSPECTOR PIERUCCHI: Parking lot, okay.

11 INSPECTOR ENGLER: Did you--did you--a
12 couple cleanup questions. Did you ever fire your
13 weapon?

14 SERGEANT KASPER: No.

15 INSPECTOR ENGLER: Okay. Based on what you
16 saw you were--well, let me back up. You were the
17 driver of the vehicle, correct?

18 SERGEANT KASPER: Correct.

19 INSPECTOR ENGLER: And Inspector Newman
20 was actually closest to what was going on and not
21 operating the vehicle because he was the front seat
22 passenger, correct?

23 SERGEANT KASPER: Correct.

24 INSPECTOR ENGLER: Okay, so had you--based
25 on what you saw, the [REDACTED] shooting people in front
26 of Little Darlings, do you believe it would have

1 been appropriate for you to use deadly force at
2 that time?

3 SERGEANT KASPER: Yes but the problem is
4 that we did not have a safe shot. You know,
5 Inspector Newman identified [REDACTED] He said
6 police, stop. He was visibly—had his radio, I can
7 saw with almost 100 percent certainty that they
8 knew we were the police. Even though we were in a
9 Taurus—I mean, we're up there all the time.
10 Everywhere we go people know we're the police. I
11 mean we don't—we're not undercover, we're not
12 trying to hide it. Inspector Newman had his jacket
13 in the back of the car because I remember because I
14 brought it—I brought it to [REDACTED] way after the
15 incident and he had his radio, you know, on his
16 shirt because he had the microphone with the cord
17 and he has his Star clearly visible on his belt.

18 INSPECTOR ENGLER: So—so from what I
19 understand if you [REDACTED] decided to use your firearms
20 when you first observed the shooting it would have
21 been an unsafe time to shoot because there was
22 people.

23 SERGEANT KASPER: Yeah.

24 INSPECTOR ENGLER: There was a crowd.

25 SERGEANT KASPER: Yeah, I considered it. I
26 would have had to shoot across Jay which I

1 wouldn't, you know, want to do. But even aside from
2 shooting across Jay if I was by myself the backdrop
3 there was too many people to—at that time whereas
4 around the corner it was cement buildings.

5 INSPECTOR ENGLER: So—and I have one final
6 question—when I—prior to our discussion here today
7 we didn't have any discussions prior to this
8 interview in asking you what you observed out there
9 other than briefly seeing you last night at the
10 crime scene when—when you were pointing out the
11 different locations when I first saw you. And I'll
12 remind you when I first saw you you said the
13 shooting was over there by Little Darlings and then
14 you said but up around the corner is where my
15 partner fired his weapon. So you pointed out to me
16 the two locations to go but other than that this
17 was the first time that I've heard the story. Is
18 that accurate?

19 SERGEANT KASPER: Yes.

20 INSPECTOR ENGLER: Okay.

21 INSPECTOR PIERUCCHI: I just wanted to ask
22 a couple questions about the [REDACTED] on Romolo. Do you
23 remember how many [REDACTED] were stopped there?

24 SERGEANT KASPER: Two.

25 INSPECTOR PIERUCCHI: Okay. Out of the two
26 you saw the [REDACTED] that was wearing black?

1 SERGEANT KASPER: Correct.

2 INSPECTOR PIERUCCHI: And you're thinking

3 that because ■ also had a leather glove—a black

4 glove.

5 SERGEANT KASPER: No, I don't know if it

6 was leather. It was just a black glove.

7 INSPECTOR PIERUCCHI: Okay, just a black

8 glove, okay. You thought that it might be the ■

9 that was pulling the ■ with the red cap, right.

10 SERGEANT KASPER: Yes, but I'm only

11 describing ■ as that because of the clothing and

12 the glove.

13 INSPECTOR PIERUCCHI: All right. But not

14 anything facially?

15 SERGEANT KASPER: No.

16 INSPECTOR PIERUCCHI: No, okay. Now,

17 there's another ■ with ■ Do you remember that

18 ■ being anywhere in the area where all the chaos

19 was going on, the shooting and—

20 SERGEANT KASPER: I don't. I mean ■—the

21 clothing looked familiar but I wasn't really

22 focused in on anybody else, you know, other than

23 the red hat. The red had was in a group of people

24 and I mean it looked very clear to me that ■ was

25 the one with the, you know, shooting, shooting the

26 gun.

1. INSPECTOR PIERUCCHI: Okay.

2 INSPECTOR ENGLER: Do you remember what
3 type of a gun ■ was shooting or-

4 SERGEANT KASPER: Well, I know it was a
5 black semi-auto at the time and after I recovered
6 it I know it was a Seighauer semi-auto and the
7 hammer was back.

8 INSPECTOR ENGLER: But when you first saw
9 ■ shooting it was a black semi-auto?

10 SERGEANT KASPER: Yeah, I know for sure it
11 was a black semi-auto, there was no question.

12 INSPECTOR PIERUCCHI: I have no other
13 questions.

14 INSPECTOR ENGLER: Okay. And my only
15 admonishment would be [unintelligible] prior to
16 interviewing you we had an interview with Inspector
17 Newman and now we've spoken to you. There's other
18 officers that may have pertinent information and I
19 know that-I'm not sure of your schedule but I know
20 you were out there and, you know, all the time. So
21 if any of the folks that were there last night-I'd
22 ask you to refrain from discussing this only
23 because it's a criminal investigation and I don't
24 want you having been so close to the action, I
25 don't want anyone to be influenced when we-when we
26 have an interview with them. Does that make sense?

1 SERGEANT KASPER: I understand.
2 INSPECTOR ENGLER: So that would be the
3 only thing I ask is you don't discuss this and we
4 just run the course. We have made three arrests on
5 this case and the subjects arrested were the [REDACTED] in
6 the red hat and the two [REDACTED] stopped on Romolo. So
7 all the information that that you just provided us
8 is very pertinent to the investigation and that's
9 why I ask that you not discuss it. So—and I don't
10 think we started the tape with a time, so let's end
11 the tape with a time and today's date is Saturday,
12 July 3rd, 2010 and the time right now is 7:18 in the
13 PM or 1918 hours military time.
14 END OF DOCUMENT

CRIME LABORATORY

San Francisco Police

Case No. 100 609 942		Location COLUMBUS/ BROADWAY	
Date 7/3/10	Type Offense 217 + OLS	Victim	
Officer GOMEZ GU		Suspect	
Contents		<input type="radio"/> Evidence <input type="radio"/> Found <input type="radio"/> Safekeeping	



































SIG SP 2340

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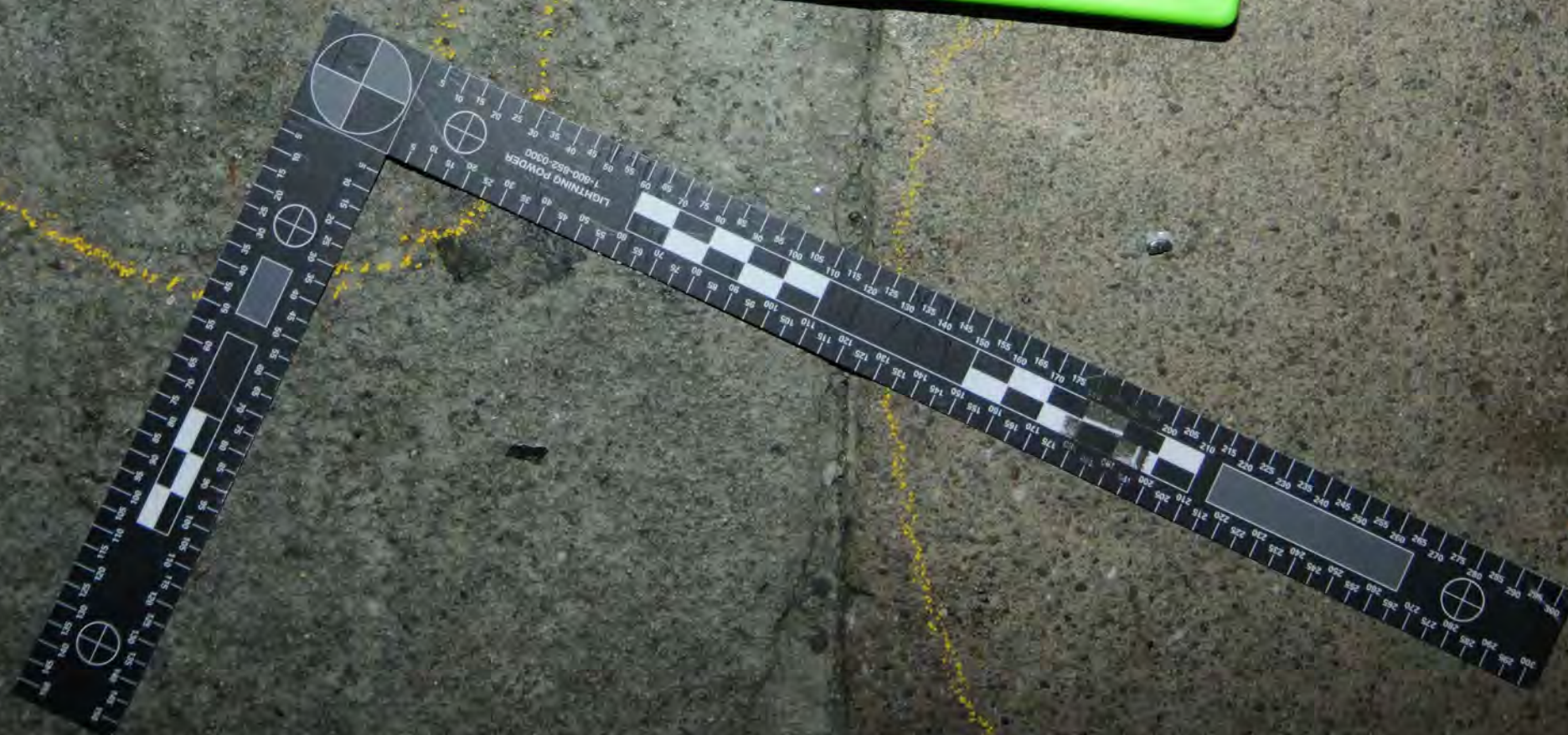
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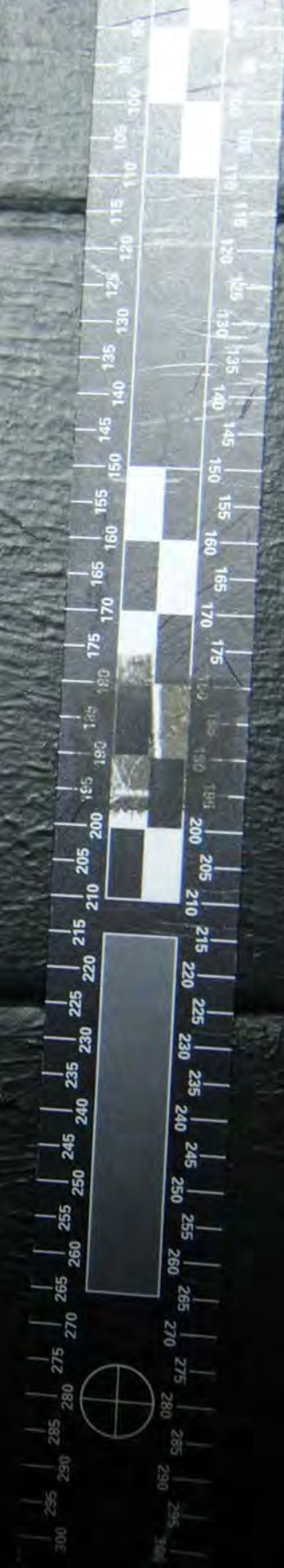








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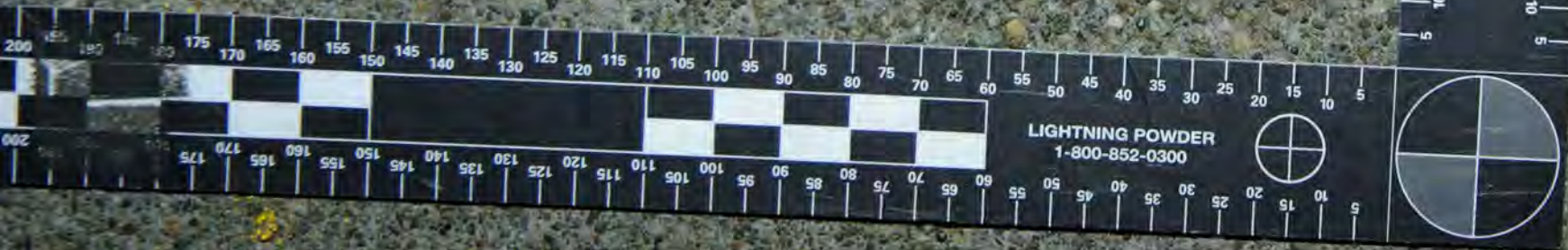




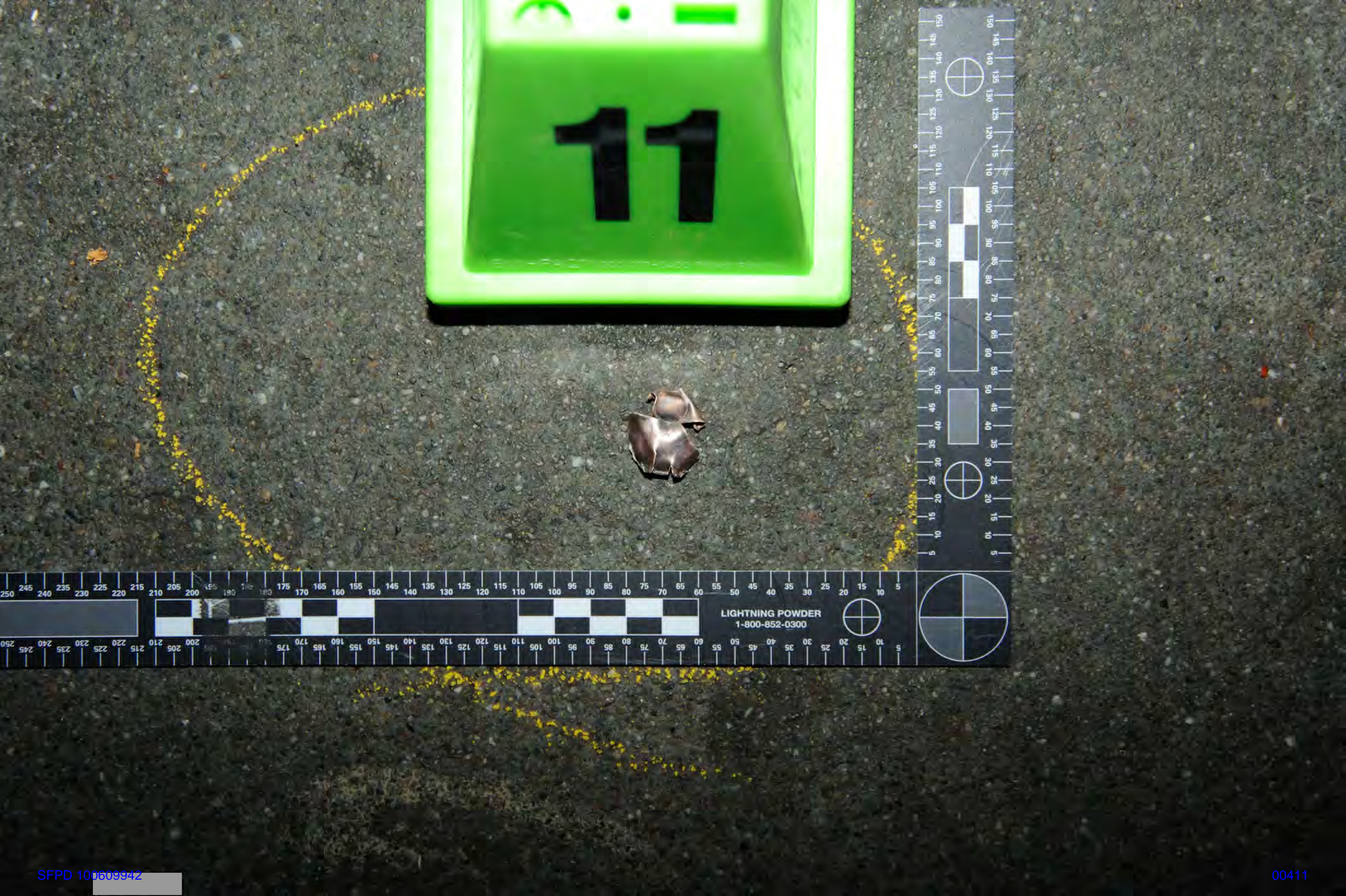














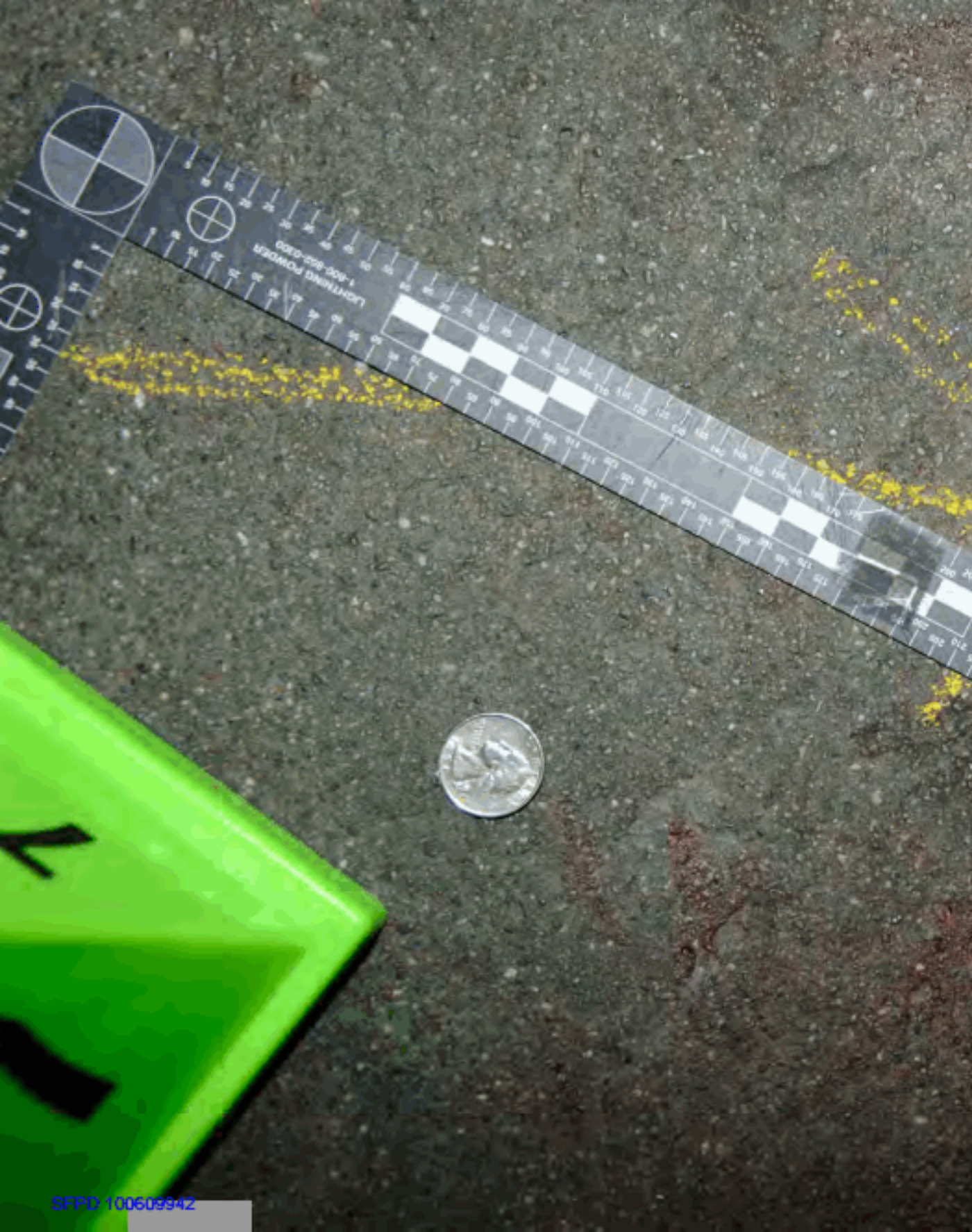




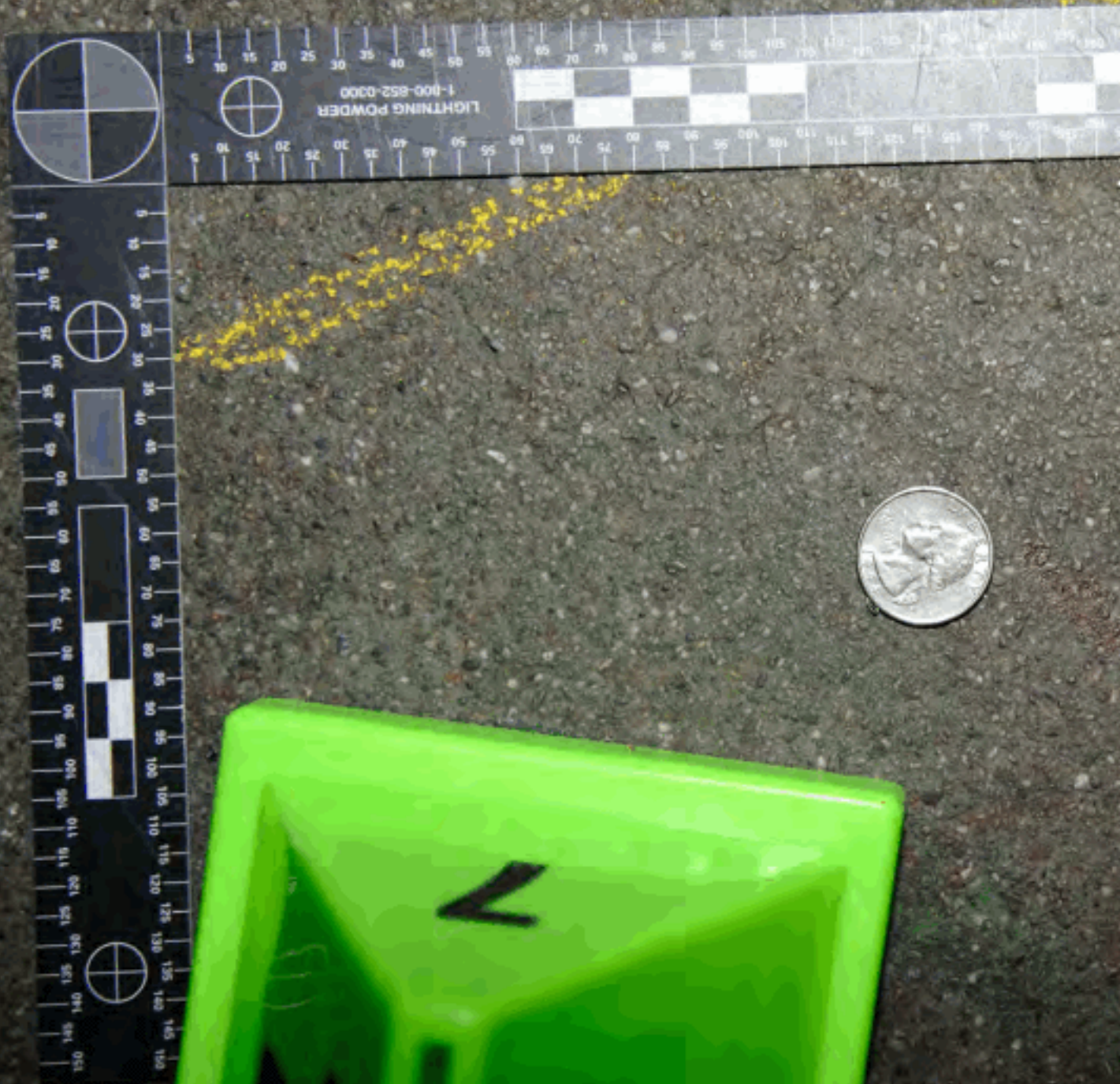


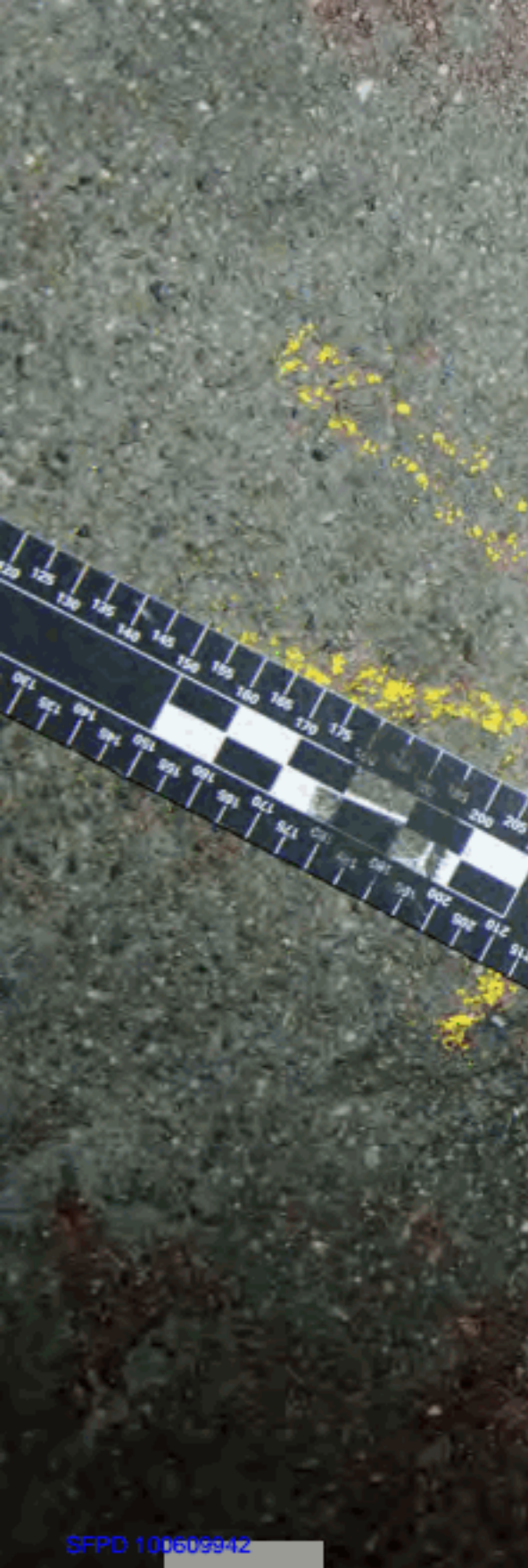






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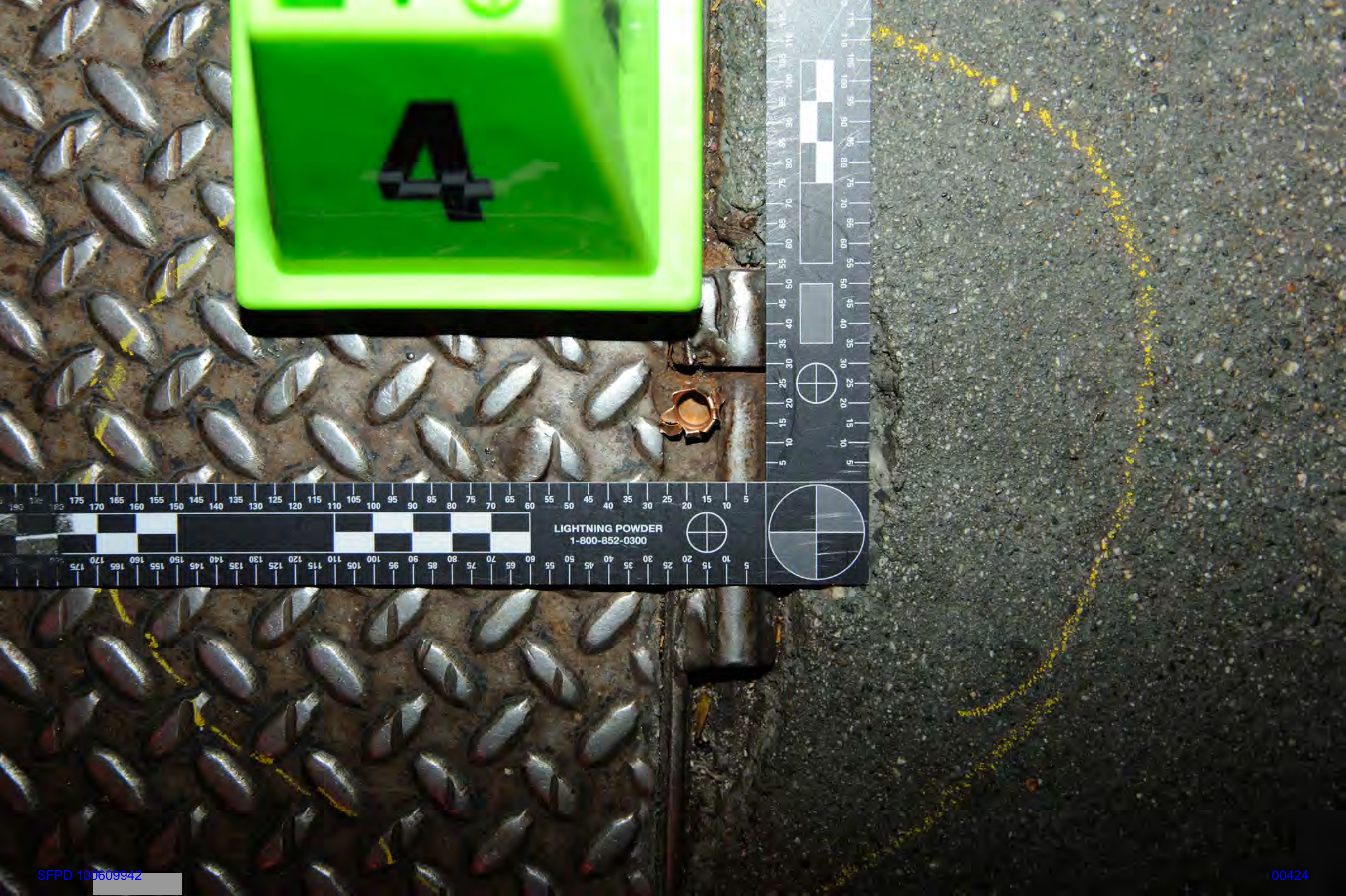














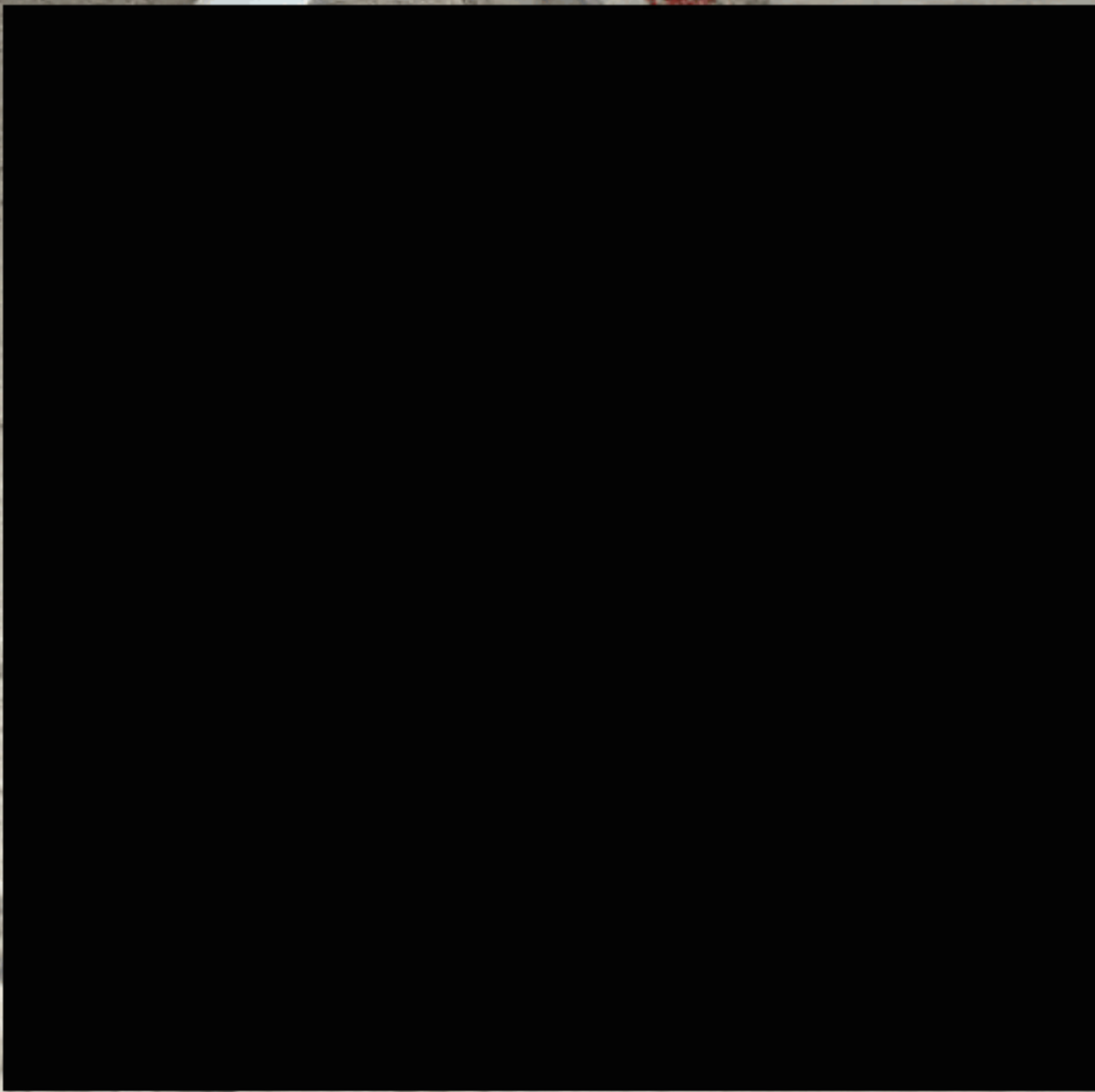


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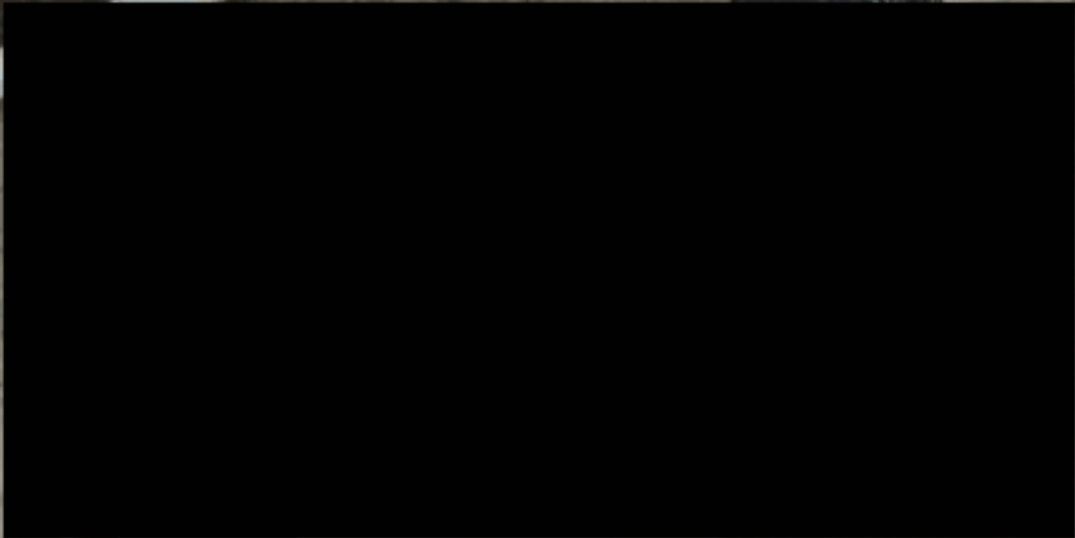














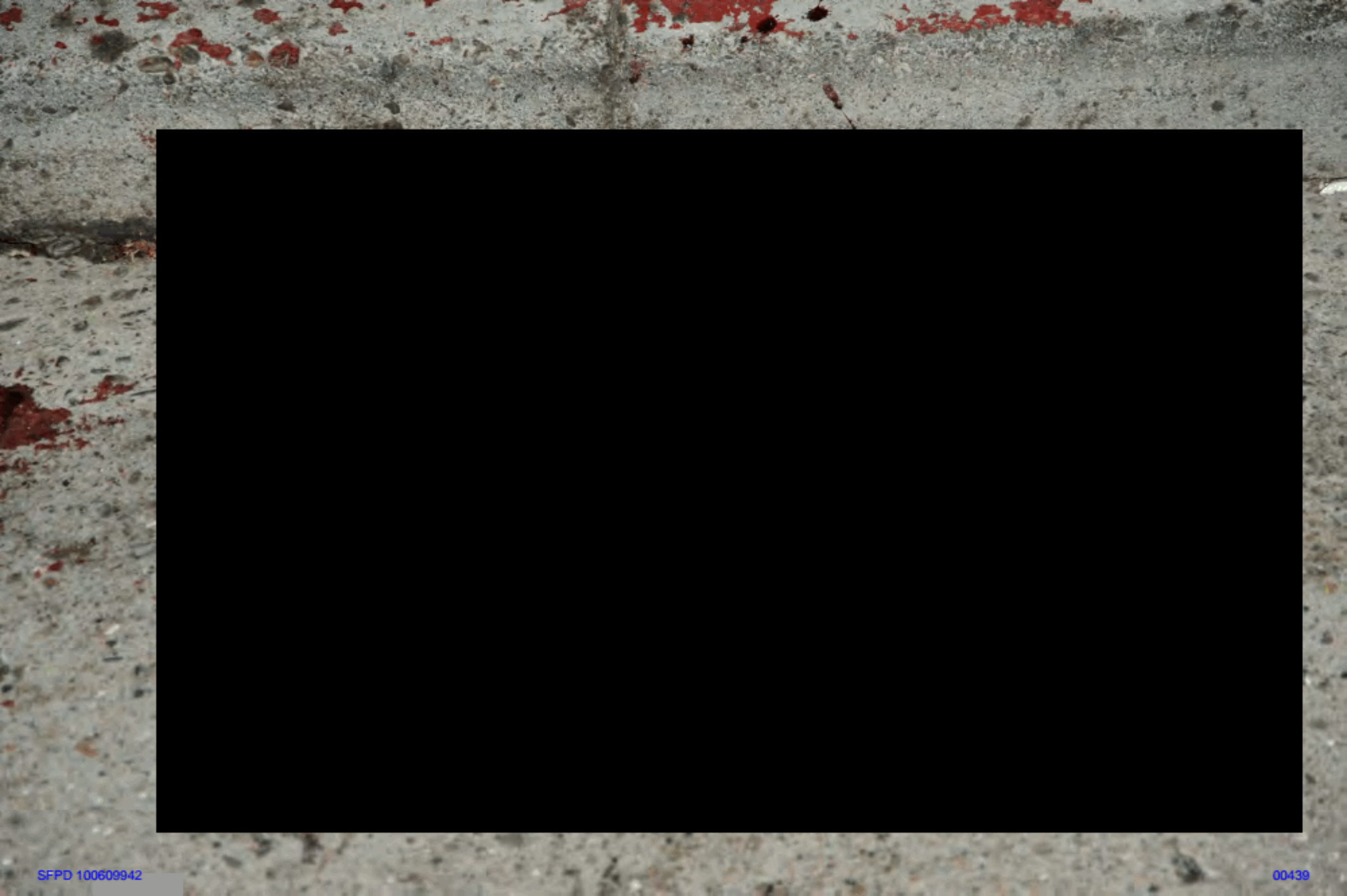






71



























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1 INSPECTOR ENGLER: And uh, okay, I guess...
2 I'll, I'll be right back. There's a tape on, so I
3 just want you to know okay?

4 [Unintelligible chatter outside of door] [door
5 opening and closing]

6 INSPECTOR ENGLER: All right sir. Uh, my name
7 is Inspector Joe Engler, star 239. We're here at
8 the [REDACTED] Response Unit. With me is...

9 DA INVESTIGATOR JIMMY POSADA: Jim Posada,
10 Investigator with the San Francisco District
11 Attorney's Office, star number 7044.

12 INSPECTOR ENGLER: ...And this is my partner,
13 Inspector John Rico Pierucci...

14 INSPECTOR PIERUCCI: 1604.

15 INSPECTOR ENGLER: ...And with us here, sir what
16 is your name?

17 [REDACTED] Uh, my name is [REDACTED]

18 INSPECTOR ENGLER: Uh, [REDACTED] what is
19 your, uh, date of birth?

20 [REDACTED].

21 INSPECTOR ENGLER: And what's your cell phone
22 [REDACTED]?

23 [REDACTED] Cell phone is [REDACTED].

24 INSPECTOR ENGLER: Uh, could you say that
25 again, I missed it.

1 [REDACTED].

2 INSPECTOR ENGLER: Okay. And... today... on
3 today's date, which is July 3rd, 2010, uh, sometime
4 after one in the morning, before two o'clock in the
5 morning, there was an incident on Columbus and
6 Broadway, in that area. Uh, where you present in
7 that area when that incident occurred?

8 [REDACTED] Yes. I was inside the pizzeria.

9 INSPECTOR ENGLER: The pizzeria... do you know
10 exactly where that pizzeria is?

11 [REDACTED] Directly on the corner of... what
12 is it, Broadway and... is it Columbus or... Uh, I...
13 forget the name of the side street. It's also where
14 the blues bar is off the side of that road also.

15 INSPECTOR ENGLER: Okay. And what were you
16 doing at the pizza place?

17 [REDACTED] Picking up a slice after being
18 out at the... at a couple of the [unintelligible].

19 INSPECTOR ENGLER: Okay. So an incident
20 occurred, and... this is the subsequent criminal
21 investigation. Can you tell me what you saw out
22 there? Did, did...

23 [REDACTED] Well, basically we heard... I
24 heard about four-to-six gun... or pops. Being the 4th
25 of July, I wasn't sure if it was gunfire at first

1 or not. Uh, which it seemed to occur right, right
2 outside the front of the pizzeria. And after the
3 pops, we seen um, the commotion kind of work its
4 way around the corner. Uh, squad cars... uh, a first,
5 uh, uh, civilian vehicle pulled right in front of
6 the, of the pizzeria. And then police cars kind of
7 pulled around the outside. I stepped outside,
8 peered around the corner and looked around the
9 corner, where I seen a plain clothes cop hop out of
10 the vehicle... either he hopped out of the vehicle,
11 or he ran... uh, the vehicle, vehicle had stopped,
12 and he ran around the corner, as um civilians were
13 also coming around the corner. He hopped out of the
14 vehicle, had his gun uh, out. It was uh, uh, uh I
15 don't know if he said something or not. It was
16 like, you know, announced something. Um, and then
17 fired off a round or two, and, and then that's
18 when... the people... the [REDACTED] was with inside... they
19 grabbed me and pulled me around the corner.

20 INSPECTOR ENGLER: Okay. So, so to back up for
21 a second... you're getting pizza. Your attention is
22 first drawn to the sound of pops...

23 [REDACTED] Sound of pops or gunfire.

24 INSPECTOR ENGLER: ...You didn't know if it was
25 gunfire or firecracker. You heard...

1 [REDACTED] Pop, pop... Anywhere from like,
2 you know several... anywhere from like four-to-six...
3 the initial four-to-six um, pops, you know, sounds.

4 INSPECTOR ENGLER: And this, and this, and
5 this piqued your curiosity...

6 [REDACTED] Right.

7 INSPECTOR ENGLER: ..And you, and you took a
8 look.

9 [REDACTED] Right.

10 INSPECTOR ENGLER: And when you took a look,
11 did you see... you say you saw a plain clothes police
12 officer?

13 [REDACTED] Right.

14 INSPECTOR ENGLER: Could you describe that
15 plain clothes police officer?

16 [REDACTED] He was wearing black pants, and
17 like a tan or light-colored shirt. Older man,
18 probably a little... peppered gray hair. Uh, had a
19 badge um, around a necklace, it was around his, his
20 uh, you know around his neck that was hanging off
21 the front of him. Uh...

22 INSPECTOR ENGLER: Did you immediately
23 recognize him as a police officer?

24 [REDACTED] Yeah. I could tell he was a cop
25 right off the... right off the, right off the get-go.

1 INSPECTOR ENGLER: Okay. And you said that you
2 heard him announce himself. Was he giving some kind
3 of verbal commands?

4 [REDACTED] It sounded like it was... it was
5 either "stop, don't run" or something like that. It
6 was along the lines of uh, you know, "stop."

7 INSPECTOR ENGLER: But you can't say for sure
8 what he said? It was...

9 [REDACTED] No.

10 INSPECTOR ENGLER: ...But it was some kind of
11 command?

12 [REDACTED] Yeah.

13 INSPECTOR ENGLER: Is that accurate?

14 [REDACTED] Yes.

15 INSPECTOR ENGLER: Okay. And um, from how far
16 away was the officer from you, when you, when you
17 heard this... approximately?

18 [REDACTED] Uh, approximately, about, uh...
19 anywhere from 10-15 yards.

20 INSPECTOR ENGLER: 10-15 yards from you?

21 [REDACTED] From me.

22 INSPECTOR ENGLER: Were you in?

23 [REDACTED] Which, in which I was directly
24 on the corner of the street... of Broadway and
25 whatever that side street is.

1 INSPECTOR ENGLER: Okay. Okay. You heard the
2 officer yelling, "stop," or something to that
3 effect...

4 [REDACTED] Right.

5 INSPECTOR ENGLER: ... Did you see...

6 [REDACTED] Or "get down" or something...

7 INSPECTOR ENGLER: ...Or "get down." Okay.

8 [REDACTED] Okay.

9 INSPECTOR ENGLER: Did you see who he was
10 directing those commands to?

11 [REDACTED] [cough] I... you know... and most of
12 my attention was on the, was on the, the vehicle
13 and the cop, you know, the police officer that was
14 around the corner. There was a... another tall plain
15 clothes uh, civilian that was standing on the
16 corner. Uh, I think he might have been [REDACTED]
17 [REDACTED]. Not one hundred percent... not one hundred
18 percent about that. Um, the, the [REDACTED] was just kind
19 of behind the ca... squad cars. Uh... let's say this
20 is, you know, we're on the corner right here... the
21 car turns around like this. [REDACTED] was kind of off
22 behind it in a way, when [REDACTED] had [REDACTED] firearm out. [REDACTED]
23 popped a couple rounds it seemed like, or one. And
24 the tall [REDACTED] was standing there like... up, up on
25 the, on the corner right before you get to the

1 blues bar... ██████ was standing there like this. And
2 after ██████ fired...

3 INSPECTOR ENGLER: So like this is... just for
4 the tape's purposes, uh, you, you, you basically...

5 ████████████████████ I don't know if ██████ had a gun or
6 not. If ██████ had set it down, or whatever, because I
7 wasn't looking at that direction at first, I was
8 looking at here. When I briefly looked this way,
9 the ██████ was stand... one of the ██████ was standing
10 like this... as the same police officer that I seen
11 fire off a round... he came around and grabbed this
12 ██████ and put ██████ to the ground. ██████ was standing
13 there like this, and then, you know, I was like
14 "maybe ██████ dropped something or whatever." And then
15 he came up behind ██████ and put ██████ to the ground.

16 INSPECTOR ENGLER: Was, was this ██████ who... the
17 officer who took down to the ground, was this ██████
18 in the direction that you would have seen the
19 officer's gun?

20 ████████████████████ You know, ██████ looked like ██████ was
21 a little... ██████ looked... ██████ was in that direction, but
22 ██████ wasn't quite as far into the direction as the
23 gunshots were fired. You see what I'm saying?

24 INSPECTOR ENGLER: Mm-hmm.

25 ████████████████████ As if... if ██████ had turned and

1 fired this way [REDACTED] was a little bit off to the
2 right-hand side.

3 INSPECTOR ENGLER: Okay.

4 [REDACTED] That's what it seemed like. As
5 if somebody, it's a, and if [REDACTED] seemed like [REDACTED], it,
6 it... to me it seemed like that [REDACTED] wasn't the object
7 of [REDACTED] attention... the [REDACTED] that he had came around
8 to and put to the ground...

9 INSPECTOR ENGLER: Mm-hmm.

10 [REDACTED] ...Seemed like [REDACTED] wasn't actually
11 the object of the [unintelligible] of another
12 person. I don't know if [REDACTED] was a part of the people
13 that were involved in the whole...

14 INSPECTOR ENGLER: Mm-hmm.

15 [REDACTED] ...You know, the ordeal... or if [REDACTED]
16 was, you know, standing there as a bystander or
17 not. Because I didn't really see... I wasn't looking
18 at [REDACTED]. By the time I looked at that, that
19 direction at [REDACTED], [REDACTED] it looked, it looked like [REDACTED],
20 uh, [REDACTED] was already in stun. [REDACTED] was like, you know...

21 INSPECTOR ENGLER: Mm-hmm.

22 [REDACTED] ...[REDACTED] kind of had [REDACTED] arms up. [REDACTED]
23 didn't get down, like when the [REDACTED] told [REDACTED] to get
24 down, or whatever he had said to [REDACTED]. So when he
25 came up behind [REDACTED], he kind of grabbed [REDACTED], um, by

1 the collar, or something to [unintelligible] down
2 to the ground, so █████ would stay, stay down. When █████
3 went down, another police officer grabbed █████, and
4 he... that plain clothes cop hopped up and went
5 around to the front side of the building. By that
6 time, I had, I had moved into, into the building...
7 back into the pizzeria... from being on the outside
8 of the pizzeria.

9 INSPECTOR ENGLER: And where, where you were
10 standing... were you with anyone who would have had
11 the opportunity to observe the same things that you
12 observed?

13 █████ Uh, s... pretty close to. The
14 thing is that I stepped outside of the pizzeria,
15 and kind of turned the corner.

16 INSPECTOR ENGLER: Mm-hmm.

17 █████ And the █████ I was with, they
18 were behind me inside the pizzeria. And by the time
19 they had came out gr... grabbed me to pull me inside
20 the pizzeria, uh, they might have been able to seen
21 similar because of the windows that are vi... you
22 know, are visible from the inside. But I seemed
23 like I had a pretty decent view of what was going
24 on. It's just that I was, I was looking at the cops
25 and the police officers, and the police officer

1 vehicles more so than looking at, you know the
2 perpetrator, and whatever they were looking at at
3 the time.

4 INSPECTOR ENGLER: Would it be... were the
5 officer's vehicles obstructing your view at all
6 from seeing that, that person you... that subject
7 that you referred to?

8 ██████████ Not so much. It was probably
9 the tall ██████████ that had got put and thrown to
10 the ground...

11 INSPECTOR ENGLER: Mm-hmm.

12 ██████████ .█████ might have been more
13 obstructing me from seeing what was actually, you
14 know, what was beyond ██████.

15 INSPECTOR ENGLER: Mm-hmm.

16 ██████████ You know. Right be... beyond ██████,
17 beyond ██████ was the alleyway that and that blues bar
18 that was right on the corner there. And I didn't
19 really see much past that.

20 INSPECTOR ENGLER: Okay. Did you see, this,
21 this person you described as a taller ██████, who at
22 one point put ██████ hands up, uh, and was taken down
23 to the ground after that by the officer, did you
24 see that ██████ with a gun in ██████ hand?

25 ██████████ No.

1 INSPECTOR ENGLER: Um, did you see a gun in
2 anyone's hand?

3 [REDACTED] No.

4 INSPECTOR ENGLER: Other than the police
5 officer?

6 [REDACTED] Other than the police officer,
7 no.

8 INSPECTOR ENGLER: Okay. Um, of the police
9 officers, uh, uh how many did you see at this time?
10 One or two?

11 [REDACTED] Uh...

12 INSPECTOR ENGLER: Or more.

13 [REDACTED] At, you know... it all happened
14 really fast. The only one I seen actually fire that
15 round as the particular police officer in plain
16 clothes.

17 INSPECTOR ENGLER: Okay.

18 [REDACTED] With the... you know, with the
19 badge around his neck.

20 INSPECTOR ENGLER: Okay.

21 [REDACTED] Um, I know there was other
22 police officers involved, but... and there was other
23 cars involved... police officer cars involved,
24 because they pulled out in front of the v... uh, of
25 the pizzeria. You know, one or two of 'em kind of

1 pulled around the corner. They were the lead.. they
2 were in the lead when they came around the corner
3 and hopped out. And one [REDACTED] was on foot, and he
4 seemed like he had hopped out a little bit prior,
5 and ran up, up to behind the, the squad car. Uh, I
6 don't know if it was, uh unmarked or marked sq,
7 squad car. The front car seemed like it was
8 unmarked.

9 INSPECTOR ENGLER: Okay. I, I don't have any
10 further questions.

11 INSPECTOR PIERUCCI: Okay. Let's go back and
12 talk [unintelligible] you're at the pizza place,
13 uh, had you had anything to drink? Uh...

14 [REDACTED] Oh yeah.

15 INSPECTOR PIERUCCI: About how much?

16 [REDACTED] I probably had uh, well
17 throughout, the, the entire duration of the evening
18 I had two shots Jameson and three beers.

19 INSPECTOR PIERUCCI: Over how many hours?

20 [REDACTED] Uh, probably starting from 11
21 to uh, 2:00, 1:30, what, whatever time this
22 happened.

23 INSPECTOR PIERUCCI: Okay. And what time would
24 you say was the last time you had some kind of
25 drink?

1 [REDACTED] Uh...

2 INSPECTOR PIERUCCI: [unintelligible]

3 [REDACTED] ...It's probably about a half an
4 hour before the incident, or half an hour, or 40
5 minutes, before the incident happened.

6 INSPECTOR PIERUCCI: And phy, physically how
7 would you describe you were feeling?

8 [REDACTED] Uh, pretty laid back. I had
9 [REDACTED] less than... little over a week ago on my
10 [unintelligible] [REDACTED], and so, I um, I hadn't
11 had a drink for quite a while. So my alcohol
12 tolerance was probably a little lower than usual.
13 And uh, uh, I was feeling kind of, pretty... you
14 know, laid back. But kind of tired also.

15 INSPECTOR PIERUCCI: Tired, but not drunk, or...

16 [REDACTED] Oh yeah. I wasn't drunk.

17 INSPECTOR PIERUCCI: Okay.

18 [REDACTED] I wouldn't put myself in the
19 drunk category. More loose.

20 INSPECTOR PIERUCCI: And so if I understand
21 you correctly, you're at the pizza place with, with
22 how many friends?

23 [REDACTED] Uh, there was four of us all
24 together... three others.

25 INSPECTOR PIERUCCI: For your friends, uh, do

1 you know what their names are?

2 [REDACTED] Yeah. Uh... let's see... um [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 INSPECTOR PIERUCCI: Do you have those friends
6 in your cell phone?

7 [REDACTED] Uh, yeah, yeah, yeah.

8 INSPECTOR PIERUCCI: Could, could we... even if
9 you don't know the last name, as long as we get the
10 names... if you could look 'em up.

11 [REDACTED]

12 [REDACTED]. And the other [REDACTED] you actually, you have out
13 here.

14 INSPECTOR PIERUCCI: Okay. The ones...

15 [REDACTED] Uh, [REDACTED]

16 INSPECTOR PIERUCCI: ...That are not here, can
17 we get their contact phone numbers from you right
18 now?

19 [REDACTED] Uh, yeah... [REDACTED]

20 [REDACTED]

21 [REDACTED] And they're actually waiting for us.

22 INSPECTOR PIERUCCI: Okay. You said that the
23 other [REDACTED] is out here in the lobby?

24 [REDACTED] Yeah.

25 INSPECTOR PIERUCCI: Okay. Who's that? What's

1 [REDACTED] name?

2 [REDACTED] name's [REDACTED]

3 INSPECTOR PIERUCCI: Do you have [REDACTED] number?

4 [REDACTED] number?

5 INSPECTOR PIERUCCI: Yeah.

6 [REDACTED] Uh, no. Actually I met [REDACTED]

7 pretty much tonight.

8 INSPECTOR ENGLER: [REDACTED] s in the lobby

9 [unintelligible].

10 INSPECTOR PIERUCCI: Okay. So if I, if I
11 understand you correctly you [unintelligible] [loud
12 mic noise] you hear four-to-six shots, if I
13 understand you correctly...

14 [REDACTED] Mm-hmm.

15 INSPECTOR PIERUCCI: ...What sounded like gun
16 shots?

17 [REDACTED] Right. It sounded like a
18 smaller caliber... because they were, they were
19 extremely loud.

20 INSPECTOR PIERUCCI: Okay, that piqued your
21 attention, and uh, you looked out the place?

22 [REDACTED] Right.

23 INSPECTOR PIERUCCI: And did you see any
24 people standing around or...

25 [REDACTED] There, there was a few people

1 standing around. And then... definitely people
2 standing outside of the blues bar around the
3 corner.

4 INSPECTOR PIERUCCI: Okay.

5 [REDACTED] Because when we walked by
6 there, there was people there, and then we came
7 into the pizzeria. Uh, and there was still quite a
8 few people out in the streets at that time, you
9 know. And when it all, when it all happened, it
10 seemed like there was the, the car that pulled up
11 right in front, uh full of um, civilians, and then
12 two or three, um, police officer vehicles... an
13 unmarked car and a couple marked maybe, and a van.
14 And like, and they all converged really fast on the
15 situation.

16 INSPECTOR PIERUCCI: How long after you heard
17 what sounded like gun shots, would you say the
18 police vehicles were...

19 [REDACTED] Immediately. Immediately. It
20 all happened immediately.

21 INSPECTOR PIERUCCI: And all of a sudden... and
22 all of a sudden you see...

23 [REDACTED] It's, it almost seemed like it
24 happened before it got to, to the pizzeria. As if
25 it was... it kind of came around the pizzeria.

1 INSPECTOR PIERUCCI: So it all seemed
2 spontaneous.

3 [REDACTED] Yeah, yeah. It all happened
4 really fast.

5 INSPECTOR PIERUCCI: And, the rest of the
6 incident happened as you described it?

7 [REDACTED] Right.

8 INSPECTOR PIERUCCI: Is there anything else
9 you remember about the I incident that you think is
10 important that we didn't ask?

11 [REDACTED] St... not really, because... as, as,
12 as much, as far as like, uh, uh, you know, I didn't
13 really see... the only person I seen fire off there...
14 a weapon... was the, the police officer in plains, in
15 plain clothes... is the only one I can v, I can
16 visually remember actually seeing firing off a
17 weapon. And, um, the only civilian I, I remember as
18 being involved in is the [REDACTED] that got put down to
19 the concrete.

20 INSPECTOR PIERUCCI: Did you...

21 [REDACTED] The taller [REDACTED]
22 [REDACTED] who was well... who was, you know, well
23 [REDACTED] tall.

24 INSPECTOR PIERUCCI: Okay. I have no other
25 questions.

1 INSPECTOR ENGLER: Okay. Thank you very much,
2 and um, as, as far as the incident goes, um, you
3 know, you're a witness to a part of it. So I'm just
4 going to admonish you that um, any of your friends
5 over there in the office may have seen different
6 things.

7 [REDACTED] Right.

8 INSPECTOR ENGLER: We just memorialized your
9 statement here. But keep in mind that, you know,
10 down the road, could maybe asked to be a witness on
11 this. So...

12 [REDACTED] Okay.

13 INSPECTOR ENGLER: Um, you know, uh, try... as
14 much as you can... are able, to limit your
15 conversation. So, what you saw is what you saw, and
16 you don't pick up anything from your friends

17 [REDACTED] Right.

18 INSPECTOR ENGLER: Okay?

19 [REDACTED] Right.

20 INSPECTOR ENGLER: That's the end of the
21 interview. It's now, uh, 6:21 in the AM, and today
22 is, today is September 3rd, 2010. Thanks.

23 INSPECTOR PIERUCCI: Thanks.

24 END OF DOCUMENT

1 INSPECTOR MACK: Okay. Today's date is, uh,
2 July 3rd, 2010. My name is Inspector Mack, star
3 1789. And I'm with Inspector...

4 INSPECTOR CUNNINGHAM: Daniel Cunningham, star
5 650.

6 INSPECTOR MACK: ...And this is involving case
7 number 100609942. Uh, currently, we're currently at
8 [REDACTED]. And uh, we're speaking with...
9 what's your name [REDACTED]?

10 [REDACTED]

11 INSPECTOR MACK: And what's your last name

12 [REDACTED]

13 [REDACTED]

14 INSPECTOR MACK: Can you spell that for me
15 please?

16 [REDACTED]

17 INSPECTOR MACK: Okay. And your birthday [REDACTED]

18 [REDACTED] Uh, [REDACTED]

19 INSPECTOR MACK: Okay. And uh, as I told you
20 earlier, we're investigating a shooting that
21 occurred in front of the, the pizza place. What's
22 the name of this place?

23 [REDACTED] Pizelle...

24 INSPECTOR MACK: Okay.

25 [REDACTED] ...Pizelle Di North Beach.

1 INSPECTOR MACK: Okay. Uh, can you tell me,
2 uh, what you know, what you saw, what you heard,
3 uh, tonight?

4 [REDACTED] Yes, uh...

5 INSPECTOR MACK: Okay. Just for uh, just for
6 the record, um, we also have present with us...

7 [REDACTED]

8 INSPECTOR MACK: ...And you're uh...

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 INSPECTOR MACK: And what's your... uh, how do
12 you spell your last name?

13 [REDACTED].

14 INSPECTOR MACK: Okay. And what's your
15 birthday?

16 [REDACTED] Uh [REDACTED].

17 INSPECTOR MACK: Okay. [REDACTED]

18 [REDACTED]

19 [REDACTED] Yes, sir.

20 INSPECTOR MACK: And you're going to uh...

21 [REDACTED]

22 INSPECTOR MACK: [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 INSPECTOR MACK: [REDACTED] Okay. Uh, the

1 question I have is what uh, [REDACTED] saw...

2 [REDACTED] [REDACTED]

3 INSPECTOR MACK: ...Or heard tonight...

4 [REDACTED] [REDACTED]

5 INSPECTOR MACK: ...In from of the pizza place.

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] Those [REDACTED] were hanging out in
9 front...

10 INSPECTOR MACK: You might have to come a
11 little closer. There's a lot of background noise
12 here.

13 [REDACTED] Those [REDACTED] right outside [REDACTED]
14 [REDACTED]

15 INSPECTOR MACK: Yes.

16 [REDACTED] ...When they got shot...
17 [unintelligible]

18 INSPECTOR MACK: Yes.

19 [REDACTED] ...In the door window. A lot of
20 them were friends, and a bunch of them were just,
21 just hanging outside. And, this, [the pedestrians,
22 a lot of] people... they were just hanging out... just
23 hanging out. Then, a blue Mustang passed by and
24 stopped. And they exchanged words... the, the driver
25 and [REDACTED] passenger exchanged some words with those

1 [REDACTED] that were hanging out in front, right out
2 front of the store. And uh, they...

3 [REDACTED] [REDACTED]
4 [REDACTED] Then, the, the, the, they
5 parked at Grant Street, and they uh... went Vallejo
6 Street?

7 [REDACTED] Vallejo.

8 [REDACTED] To Vallejo Street. And..
9 Those [REDACTED] that were hanging out, they were chasing
10 them on foot?

11 [REDACTED] Yeah. They followed them with...

12 [REDACTED] On foot. Then...

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] Yeah. Okay. Minutes later, um,
16 those [REDACTED] came back on foot, just stood the same
17 s, s, spot, and just hanging out. And, about 10
18 minutes later, the two [REDACTED] in the Mustang, they
19 came on foot, and that, that's where those [REDACTED]
20 started shooting at them.

21 INSPECTOR MACK: Okay. Can you tell me, the
22 two [REDACTED] that are hanging out front, can you tell
23 me what they look like, or do you know who they
24 are, their names, or anything like that?

25 [REDACTED] I don't remember the names, but,